

**H.R. 4558, “GRAND STAIRCASE  
ESCALANTE ENHANCEMENT ACT”**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

Thursday, December 14, 2017

**Serial No. 115-32**

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

27-856 PDF

WASHINGTON : 2018

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**LEGISLATIVE HEARING ON H.R. 4558, TO PROVIDE GREATER CONSERVATION, RECREATION, ECONOMIC DEVELOPMENT AND LOCAL MANAGEMENT OF FEDERAL LANDS IN GARFIELD AND KANE COUNTIES, UTAH, "GRAND STAIRCASE ESCALANTE ENHANCEMENT ACT"**

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**Thursday, December 14, 2017  
U.S. House of Representatives  
Subcommittee on Federal Lands  
Committee on Natural Resources  
Washington, DC**

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The Subcommittee met, pursuant to call, at 9:29 a.m., in room 1334, Longworth House Office Building, Hon. Tom McClintock [Chairman of the Subcommittee] presiding.

Present: Representatives McClintock, Tipton, Westerman, Bergman, Bishop, Hanabusa, Lowenthal, Torres, Gallego, McEachin, and Brown.

Also Present: Representative Stewart.

Mr. MCCLINTOCK. The Subcommittee on Federal Lands will come to order.

I would ask unanimous consent that the gentleman from Utah, Mr. Stewart, be allowed to sit with the Subcommittee and participate in the remainder of the hearing following his testimony.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman, Ranking Minority Member, and the Vice Chairman. This will allow us to hear from our witnesses sooner and help Members keep to their schedules. Unfortunately, we are probably going to be interrupted by votes around 10:30 a.m., so we will try to get through the testimony and as many questions as possible before then.

With that, we will begin with opening statements.

**STATEMENT OF THE HON. TOM MCCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. MCCLINTOCK. Today, the Subcommittee on Federal Lands meets to consider H.R. 4558, the Grand Staircase Escalante Enhancement Act, by Congressman Chris Stewart, and co-sponsored by the entire Utah congressional delegation.

The Antiquities Act of 1906 provides the President with the authority to designate national monuments on Federal lands containing "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest." The law also specified that national monuments "be confined to the smallest area

compatible with proper care and management of the objects to be protected.”

In the original congressional debate over this bill, Congressman Stephens asked whether it could ever be used to lock up large areas of land like the Forest Reserve bill. In response, the bill’s sponsor, Congressman Lacy, stated, “Certainly not. The object is entirely different. It is to preserve these old objects of special interests in the Southwest, whilst the Forest Reserve bill reserves the forests and the water courses.”

President Theodore Roosevelt first used this limited authority to declare 1,200 acres around the Devils Tower in Wyoming as a national monument. Since that time, presidents have broadly interpreted the Antiquities Act to expand both the size and justifications for national monument designations.

In 1996, President Bill Clinton, in a breathtaking abuse of this law, unilaterally declared 1.7 million acres of Bureau of Land Management lands in southern Utah as the Grand Staircase-Escalante National Monument, without any consultation with members of the Utah congressional delegation, including Democratic Representative Bill Orton, in whose district these lands were located, or with Governor Mike Leavitt, who is one of our witnesses here today.

Indeed, just 1 week before the announcement, the administration assured the state’s senior Senator, Orrin Hatch, that leaks of their intention to issue this declaration were untrue and that no such action was contemplated.

President Clinton drafted his order in secret consultation with leftist environmental groups. This Committee later learned that their objective was to make grazing and future resource development impossible. The action devastated the state of Utah and the local communities affected. It cost the Utah public school system hundreds of millions of dollars in future revenues, deprived local families of high-paying local jobs, and forced historic grazing permittees from these lands.

Let me put this in perspective. Hurricane Harvey inflicted nearly \$200 billion of damage when it slammed into Texas this year. The low-end, conservative estimate of economic damage from Clinton’s Executive Order is \$223 billion, just in lost economic activity from mineral development alone. And in Keystone Cops’ fashion, the administration only discovered that their designation included 176,000 acres of land set aside for support of the public schools the day before they made the announcement.

These abuses point to a simple truth: that no one person should have the authority to lock up millions of acres of land with the stroke of a pen. By giving Congress, and not the President, authority over public lands, our Constitution guarantees that all voices will be heard when a decision affecting millions of acres of land is made. Under our Constitution, the people expect their government to listen to those people most affected by local land use decisions, and not just out-of-state special interest groups. And they have every right to demand that Congress reassert its roll over management of the public lands on their behalf.

This bill seeks to right this wrong and to go about monument designation the constitutional way: through open hearings, debate,

and congressional action. It would create Utah's sixth national park, the Escalante Canyons National Park, and transfer Hole-in-the-Rock Road, a historically important Mormon pioneer trail, to the state of Utah.

Further, it creates three new separate and distinct national monuments: the Grand Staircase National Monument, the Escalante Canyons National Monument, and the Kaiparowits National Monument.

Finally, the bill would create a management council comprised of local officials to draft and oversee a management plan for the new monuments and the national park.

We have a most distinguished panel of witnesses here today to discuss this bill, and I am looking forward to their testimony.

[The prepared statement of Mr. McClintock follows:]

PREPARED STATEMENT OF THE HON. TOM MCCLINTOCK, CHAIRMAN, SUBCOMMITTEE  
ON FEDERAL LANDS

Today, the Subcommittee on Federal Lands meets to consider H.R. 4558, the Grand Staircase Escalante Enhancement Act by Congressman Chris Stewart and co-sponsored by the entire Utah congressional delegation.

The Antiquities Act of 1906 provides the President with the authority to designate national monuments on Federal lands containing "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest." The law also specified that National Monuments "be confined to the smallest area compatible with proper care and management of the objects to be protected."

In the original congressional debate over this bill, Congressman Stephens asked whether it could ever be used to lock up large areas of land like the Forest Reserve bill. In response, its sponsor, Congressman Lacey, stated: "Certainly not. The object is entirely different. It is to preserve these old objects of special interests in the Southwest, whilst the (Forest Reserve bill) reserves the forests and the water courses."

President Theodore Roosevelt first used this limited authority to declare 1,200 acres around the Devils Tower in Wyoming as a national monument. Since that time, presidents broadly interpreted the Antiquities Act to expand both the size and justifications for National Monument designations.

In 1996, President Bill Clinton, in a breathtaking abuse of this law, unilaterally declared 1.7 million acres of Bureau of Land Management (BLM) lands in southern Utah as the Grand Staircase-Escalante National Monument without any consultation with members of the Utah congressional delegation (including Democrat Representative Bill Orton in whose district these lands were located), or with Governor Mike Leavitt, who is one of our witnesses here today.

Indeed, just 1 week before the announcement, the administration assured the state's senior Senator, Orrin Hatch, that leaks of their intention to issue this declaration were untrue and that no such action was contemplated.

President Clinton drafted his order in secret consultation with leftist environmental groups. This Committee later learned that their objective was to make grazing and future resource development impossible. The action devastated the state of Utah and the local communities affected. It cost the Utah public school system hundreds of millions of dollars in future revenues, deprived local families of high-paying local jobs, and forced historic grazing permittees from these lands.

Let me put this in perspective. Hurricane Harvey inflicted nearly \$200 billion of damage when it slammed into Texas this year. The low-end, conservative estimate of economic damage from Clinton's Executive Order is \$223 billion—just in lost economic activity from mineral development alone.

In Keystone Cops' fashion, the administration only discovered that their designation included 176,000 acres of land set aside for support of the public schools the day before the announcement.

These abuses point to a simple truth: that no one person should have the authority to lock up millions of acres of land with the stroke of a pen. By giving Congress—and not the President—authority over public land, our Constitution guarantees that all voices will be heard when a decision affecting millions of acres of land is made.

Under our Constitution, the people expect their government to listen to those people most affected by local land use decisions, and not just out-of-state special interest groups. And they have every right to demand that Congress reassert its role over management of the lands on their behalf.

This bill seeks to right this wrong and to go about monument designation the constitutional way: through open hearings, debate and congressional action. It would create Utah's sixth national park, the Escalante Canyons National Park, and transfer "Hole in the Rock Road," a historically important Mormon pioneer trail, to the state of Utah.

Further, it creates three new separate and distinct national monuments: the Grand Staircase National Monument, the Escalante Canyons National Monument, and Kaiparowits National Monument.

Finally, the bill would create a management council comprised of local officials to draft and oversee a management plan for the new monuments and the National Park.

We have a most distinguished panel of witnesses here today to discuss this bill, and I am looking forward to their testimony. I will now recognize the Ranking Member for her opening statement.

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Mr. McCLINTOCK. I now recognize the Ranking Member for her opening statement.

**STATEMENT OF THE HON. COLLEEN HANABUSA, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII**

Ms. HANABUSA. Thank you, Chairman McClintock.

Today, we will hear testimony on H.R. 4558, the Grand Staircase Escalante Enhancement Act, a bill introduced by Representative Stewart to ratify the boundaries of three new national monuments recently designated by President Trump, and create a new national park in southern Utah.

Under normal circumstances, legislation to establish a new national park would have broad partisan support, but the circumstances surrounding this bill and the proposed national park are by no means normal.

In 1996, President Clinton designated the Grand Staircase-Escalante National Monument. For 20 years, communities around the monuments have grown, diversified, and thrived. This is a story we will hear from Susan Hand, the owner of Willow Canyon Outdoor, a small business in Kanab, Utah. Ms. Hand will also tell us how last week's announcements to repeal the Grand Staircase-Escalante and replace it with three disjointed small monuments threatens her business and the livelihood of many others in her community.

President Trump based his action—something many people, including myself, believe is without legal authority—on a review conducted by Secretary Zinke, which my colleagues and I have yet to see, despite numerous requests. During this review, the Interior Department received 2.8 million public comments overwhelmingly in favor of leaving all national monuments intact. Secretary Zinke dismissed these comments and ultimately advised the President to significantly alter a number of existing national monuments. This recommendation was based on a visit to eight national monuments and their surrounding communities. But as we will hear from our witness today, Secretary Zinke refused to meet with many of the small businesses owners who live in the communities that depend on national monuments and public lands.



It is unfortunate that taxpayer dollars were wasted on a report meant to justify the action beyond the scope of the President's authority under the Antiquities Act. Only Congress has the authority to shrink or rescind national monuments, which is why last week's proclamation is already being challenged in court. Some also question the timing of this bill, introduced without maps and is in incomplete format, just 2 days after the President made his proclamation. In fact, I have maps and an exchange patent with the state of Utah that confirmed there was an agreement and puts this whole effort in question. I ask unanimous consent to put those in the record as part of the hearing record.

Mr. MCCLINTOCK. Without objection.

Ms. HANABUSA. The reality is that Congress has acted on numerous occasions to ratify the boundary of the Clinton designation. In the 105th and 106th Congresses, legislation to exchange lands with state and local governments advanced, and \$20 million was appropriated to purchase mining claims within the monument.

Finally, I would like to point out that the panel does not include a witness from either the Bureau of Land Management or National Park Service. This is particularly troubling, given the fact that this bill seeks to create a national park and it will be managed by an unelected board primarily comprised of representatives from state and local government.

Additionally, this new national park would have a purpose that is contradictory to the 1916 National Park Service Organic Act. Under these circumstances, a review by the relevant Federal agency is appropriate, necessary, and consistent with prior proceedings in the House.

Hundreds of letters from local businesses, community organizations, and concerned local residents have poured in over the last couple of days. And I also ask unanimous consent to enter these letters into the hearing record, and hope that we will consider these concerns as we examine this bill.

Mr. MCCLINTOCK. Without objection.

Ms. HANABUSA. With that, I yield back, Mr. Chair.

[The prepared statement of Ms. Hanabusa follows:]

PREPARED STATEMENT OF THE HON. COLLEEN HANABUSA, RANKING MEMBER,  
SUBCOMMITTEE ON FEDERAL LANDS

Thank you, Chairman McClintock.

Today, we will hear testimony on H.R. 4558, the Grand Staircase Escalante Enhancement Act, a bill introduced by Representative Stewart to ratify the boundaries of three new national monuments recently designated by President Trump and create a new national park in southern Utah.

Under normal circumstances, legislation to establish a new national park would be applauded and showered with bipartisan accolades. But the circumstances surrounding this bill and the proposed national park are by no means normal.

In 1996, President Clinton designated the Grand Staircase-Escalante National Monument. For 20 years, communities around the monument have grown, diversified, and thrived.

This is the story we will hear from Susan Hand, the owner of Willow Canyon Outdoor, a small business in Kanab, Utah. Ms. Hand will also tell us how her world was turned upside down by last week's announcement to repeal the Grand Staircase-Escalante and replace it with three disjointed new monuments.

President Trump based his action—something that many people, including myself, believe to be illegal—on a sham review conducted by Secretary Zinke. During this review, the Interior Department received 2.8 million public comments overwhelmingly in favor of leaving all national monuments intact. Secretary Zinke dismissed

these comments as the product of an organized campaign and ultimately ended up advising the President to abolish several existing national monuments.

This recommendation was based on a visit to eight national monuments, but as we will hear from our witness today, he refused to meet with many of the small business owners who live in the communities that depend on national monuments and public lands. Leaving us to wonder if the decision was already made and the review was nothing more than window dressing.

It is unfortunate that so many taxpayer dollars had to be wasted on a report meant to justify an action that is so clearly illegal. The Antiquities Act does not give the President the authority to shrink or rescind national monuments—only Congress has this authority, which is why last week's proclamation is already being challenged in court.

It also makes me question the timing of this piece of legislation. The Utah delegation had 20 years to file legislation to redo the boundaries of this monument. Why introduce this bill without maps and in an incomplete format just 2 days after the President makes a proclamation?

The reality is that Congress has acted on numerous occasions to ratify the boundary of the Clinton designation. Both the 105th and 106th Congresses advanced legislation to exchange land with state and local governments and even appropriated \$20 million to purchase mining claims within the monument.

With the legal status of President Trump's designation in limbo, it seems like any legislation that deals with Grand Staircase-Escalante should wait for judicial review. In fact, I have maps and an exchange patent with the state of Utah that confirm there was an agreement and puts this whole effort into question. I ask unanimous consent that these records are part of the hearing record.

While today's witness panel includes several people impacted by this legislation, I would like to point out that the panel does not include a witness from either the Bureau of Land Management or the National Park Service. This is particularly troubling given the fact that this bill purports to create a national park that will be managed by an unelected board made primarily of representatives from state and local government. It is also troubling given the fact that this new national park would have a purpose that is diametrically opposed to the 1916 National Park Service organic act. This is without precedent and I can't think of a reason why a proposal this dramatic should be considered without review by the relevant Federal agency.

Hundreds of letters from local businesses, community organizations, and concerned local residents have poured in over the last couple of days. I ask unanimous consent to enter these letters into the hearing record and hope that we consider these concerns as we examine this bill.

With that I yield back.

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Mr. McCLINTOCK. Thank you.

The Chair now recognizes the Chairman of the Natural Resources Committee, Congressman Rob Bishop of Utah.

Mr. BISHOP. Mr. Chairman, if it is OK with you, because we do have votes coming up, I do have an opening statement, but can we hear from Congressman Stewart first and then reserve the right to give that opening statement afterwards?

Mr. McCLINTOCK. Without objection.

The Chair is now pleased to recognize Congressman Chris Stewart of Utah.

**STATEMENT OF THE HON. CHRIS STEWART, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. STEWART. Thank you.

And to my colleagues, Chairman Bishop, Chairman McClintock, and Ranking Member Hanabusa, thank you for letting me come and speak to you about a bill that is extremely important to my district, H.R. 4558, the Grand Staircase Escalante Enhancement Act.

As has already been stated here, over 20 years ago, President Clinton stood in the state of Arizona, he didn't come to Utah, he stood in Arizona, and with the stroke of a pen, using the Antiquities Act, he declared nearly 2 million acres of land in Utah as the Grand Staircase-Escalante National Monument.

I am pleased that my friend and a man that I greatly admire, Secretary Leavitt, who was a governor during this time, will enlighten us on this episode and, I think, share some of his insights into the deceit and the deception that we were subject to.

The Federal Government promised that the monument would take little away and, instead, create a boom of tourism in the community surrounding the monument. Over two decades later, we know that while there has been some increase in tourism, it has not been enough to economically sustain these communities. And let me illustrate that, because that is such an important point.

In 2015, Garfield County was forced to declare a state of emergency based on rapidly declining school enrollment. Simply put, their schools were dying because families could not stay in the county. They couldn't stay because there were so few jobs left capable of sustaining a family.

Tourism alone is not able to sustain these communities. I support tourism. I am proud of my state. I would love for everyone in the country and around the world to come and enjoy this beautiful state of Utah, but this is a matter of common sense. Name me a job that you can sustain a family on working in the tourism industry from May to October.

Now, some people have done really well, primarily business owners. I would ask you to ask them, how much do you pay your employees? How much do you pay your waitresses and those who are making up beds in hotels? Because I promise you, it is not enough to raise a family. And some say that this threatens business, creating this national park. That is just silly. How in the world does creating a national park in some way endanger tourism? In fact, our intent here is to do exactly the opposite, and that is to foster and to increase tourism.

The situation has largely been forced upon residents by a misguided Federal policy, reminding us once again that Washington has a bad habit of drafting policies without giving local communities a seat at the table.

Just this morning, I was reminded of some comments by elites in Hollywood and corporate CEOs who are being dishonest with people about this. I think many of these couldn't find this area on a map if they had to. They have never been to Utah. Some of them haven't had a conversation with anyone that is impacted by this in the local communities.

I spent nearly 5 years meeting with local elected officials in an effort to strike a balance between conserving the beauty in Garfield and Kane Counties, while also providing access and economic growth for the local economy.

The key to success in this region is finding creative solutions that benefit both tourism and natural resource industries, while preserving our western culture. This act does that. Specifically, it creates three new separate national monuments, creates a manage-

ment council, transfers a historically significant trail to the state of Utah, and creates a new national park.

Let me take just a moment to explain the significant sections of this bill. First, it creates, as I said, three national monuments, preserving over 1 million acres of Federal land in Utah, while also allowing access for hunting, gazing, fishing, and trapping.

Second, it creates a management council comprised of local officials to draft and oversee a management plan for the new monuments. This is an unprecedented move that will give local leaders a powerful voice and a seat at the table. And by the way, this is a county that 93 percent of it is controlled by the Federal Government. Why in the world would anyone object to giving the local community a voice in how it is managed?

Third, the bill transfers Hole-in-the-Rock to the state of Utah to be preserved. This road is very historical and significant to Mormon pioneers, and it is only fitting that Utah own and preserve and manage this historically significant area.

And last, the legislation creates Utah's sixth national park, the Escalante Canyons National Park. This new park will be a win for conservation and a win for access and it will be a win for the local communities. It will increase tourism, giving a much needed boost to the local economy, while giving locals a voice in their own backyard.

In addition, the national park provides for infrastructure spending, enhancing visitors' experience by making resources available for things such as trails, restrooms, and roads.

There is a reason I live in Utah. I love Utah. I could live anywhere in the world, just like any one of us could. I chose to live in Utah because I love to hike, rock climb, ski, and all the things that we enjoy there. I want to preserve that. This bill gives us an opportunity to do that. It truly is a win-win situation. And I urge my colleagues on both sides of the aisle to support it.

With that, Mr. Chairman, I yield back.

Mr. MCCLINTOCK. Thank you very much.

Are there any questions for Congressman Stewart?

Seeing none, we thank you for your testimony. Oh, all right, then we will do a round of questions, and I will begin.

Congressman Stewart, did you just say that 93 percent of the land in this county is held by the Federal Government?

Mr. STEWART. Yes, sir, that is true. Ninety-three percent of Garfield County is federally owned.

Mr. MCCLINTOCK. So, that is 93 percent that is off the tax rolls.

Mr. STEWART. That's exactly right.

Mr. MCCLINTOCK. And what impact did this designation have on the 93 percent of the land in the county that the Federal Government holds?

Mr. STEWART. Well, can you imagine being a locally elected official who is responsible for roads, schools, and all the services that a community needs in order just to survive, and having 93 percent of your tax base taken out from underneath you? It is incredibly difficult for them. You will hear from some of our locally elected officials, and what it does is it leaves them coming to Washington, DC, and constantly begging for help, because they don't have the

authority or the ability themselves to manage their own affairs. It is all at the whim of the Federal Government.

Mr. MCCLINTOCK. So, because this Federal land was off the tax rolls, obviously, local governments are getting no tax revenues from it. Was there any kind of productive activity on these lands prior to the designation?

Mr. STEWART. Yes, there was.

Mr. MCCLINTOCK. What kind of commercial activities was the Federal land supporting?

Mr. STEWART. Well, for example, in Utah, we used to have a thriving timber industry. It has been decimated because of some of these policies. We had the prospect of mineral development. That has been completely taken off the table because of some of these policies.

Mr. MCCLINTOCK. So, even though those lands were held by the Federal Government and off the local tax rolls, they were still able to be put to productive use for the surrounding and for the remaining community in this region, correct?

Mr. STEWART. That is exactly right, Mr. Chairman.

Mr. MCCLINTOCK. And what did the designation do to that?

Mr. STEWART. As I said, it made it impossible. And by the way, if I can make an important point, even though they had this multiple use before that, the local community still managed it in such a way that it was pristine enough to still be designated as a monument. It is not like the people in Washington, DC, looked out there in Utah and said, "Oh, what a mess they have made, we need to go save them." They had managed this land very well, as I said, to the point it was still pristine enough to be a national monument. And the presumption is many times, well, those fools out there in Utah, they are not smart enough to do this, we need someone in Washington, DC, to do it for them.

Mr. MCCLINTOCK. I wish my colleagues from other states where the Federal Government holds maybe 1 percent of the land area would consider what would happen to their communities if the Federal Government suddenly took over 93 percent of the land area, took all of that off the tax rolls, and then imposed draconian restrictions that prevented these lands from being put to any kind of productive activity.

Mr. STEWART. Mr. Chairman, you make a point that I emphasize all the time. I feel like I am standing up for the little guy. I am standing up for families out in the rural communities who just want to keep their families together. Instead, their kids have to say, "Dad, I would love to ranch with you, but we can't because our permits have been taken from us, and I am going to move to a city instead," when they would rather be where they are and stay with their own communities.

Mr. MCCLINTOCK. In this process of taking that 93 percent of the land and, essentially, forbidding productive use of it, I assume at least those local communities were fully consulted by the Federal Government. There were hearings held that there was maximum input from the local community?

Mr. STEWART. I appreciate your sarcasm, but, of course, that was not the case, which is one of the primary objections we have to this. If people felt like they had a voice, if they felt like they had an

opportunity to make their input and actually be heard, and if the decision went the other way, I think most people would be willing to accept that. They understand they are not the king. They don't get to decide everything on their own. All they are asking for is, give us a chance to tell you what this has done to our community. Give us a chance to tell you what this has done to our families.

Mr. MCCLINTOCK. Perhaps that is why our Constitution gives to Congress, and not to the President, authority over the public lands, so that decisions like this that affect the livelihoods of families across the West would be done in the open, with full hearings, full consultation with the local communities affected, and ultimately, voted upon by all of the representatives of the people after open deliberations—not by a single individual with a stroke of a pen acting in secrecy, and worse than secrecy, actually misleading the local representatives of the community of his ultimate intent.

Mr. STEWART. Chairman, I won't repeat what you said, I will just say thank you for saying it, and I agree with you.

Mr. MCCLINTOCK. Thank you.

I recognize the Ranking Member.

Ms. HANABUSA. Thank you, Mr. Chair.

Mr. Chair, in light of the fact that we are going to be called for votes, and we have a panel who have traveled a distance to be here, I am going to yield my time to Representative Lowenthal.

Mr. MCCLINTOCK. Thank you.

Mr. LOWENTHAL. Thank you, Ranking Member. And thank you, Congressman Stewart, for your service and your representation of your community and their needs.

Mr. STEWART. Thank you.

Mr. LOWENTHAL. I want to make sure I understand the bill as you are presenting it to us, so I am asking you, can you confirm that the bill does not repeal any of the approximately 900,000 acres of wilderness study areas under BLM, within the original Grand Staircase-Escalante National Monument. Will they be maintained as wilderness study areas, those 900,000 acres?

Mr. STEWART. This bill codifies the President's action of last week. Some of those study areas reside within the national park, and they will be managed as a national park at that point.

Mr. LOWENTHAL. Well, I am not talking about just the national park, we are talking about the monuments and the original land.

Mr. STEWART. Right. No, it does not repeal any wilderness study areas.

Mr. LOWENTHAL. Section 13 is quite ambiguous about that, so I appreciate that answer.

Mr. STEWART. We would be happy to work with you on language that would clarify that.

Mr. LOWENTHAL. So, you are saying those 900,000 acres, which are now wilderness study acres, will remain wilderness study acres?

Mr. STEWART. That is one of the misunderstandings. I don't mean to say you misunderstand; I am talking more generally. Some of the misunderstandings that people have regarding this is that the assumption is it repeals any protections, and that is just not true. These are still federally owned lands. They are still federally managed, exactly like they were before.

Mr. LOWENTHAL. Thank you. I appreciate it.

So, your answer is those 900,000 acres, if they are wilderness study acres now, will remain as wilderness study acres?

Mr. STEWART. That is true.

Mr. LOWENTHAL. Thank you.

Also, there are going to be approximately 677,000 acres of Federal public lands, and your bill would potentially open up those 677,000 acres of Federal public lands that are no longer within the Grand Staircase-Escalante National Monument. You are going to open those up to, for example, potentially, oil, gas, tar sands, coal leasing, as well as hard rock mining. So, you are understanding that now we are going to open these up to those development activities?

Mr. STEWART. The intention would be for these to be managed like any other Federal lands. And if they are available and if there are no coal or gas resources there at this point—and I don't think there is anyone who speculates that there are—they would be subject to all of the same protections that any other Federal land—

Mr. LOWENTHAL. Thank you. I am just making clear, really, and you have just—we are now, potentially, opening up all what was protected.

Mr. STEWART. I appreciate you bringing up that point, because that is actually one of the things we want to do. I am not hiding from that. I am embracing that. Of course, we are trying to do that. That is one of the things we are trying to do for the local community, is to make these resources available to them so that, as I said, they can have opportunities that have been taken from them.

Mr. LOWENTHAL. Thank you. I yield back.

Mr. MCCLINTOCK. Do any other Members wish to avail themselves for 5 minutes of questions for Mr. Stewart?

Seeing none, we thank Congressman Stewart for bringing the bill to us, and we would welcome him to remain and participate in the Subcommittee from the dais.

Mr. MCCLINTOCK. We will now ask our second panel of witnesses to come forward. While they are doing that, the Chair recognizes the Chairman of the Natural Resources Committee, Mr. Bishop, for 5 minutes.

#### **STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Thank you. I would like to do my opening statement now as the new panel is getting situated, so we can speed up the time.

As a history teacher, I just want to go through the history of the Grand Staircase-Escalante National Monument. An Interior Department Solicitor's memo told the President that monuments proposed by the President do not require NEPA because NEPA compliance does not cover presidential action. So, in August of 1995, that was a year before the Clinton re-elect, there was a series of memos that went through asking President Clinton to do something for his re-election campaign to, and I quote, "To help overcome the negative views toward Clinton, a designation of a new monument would create a compelling reason to enthusiastically support the administration."

The idea of it taking place in Utah was, once again I quote from internal memos, "Opposition would come from those who, in candor, are unlikely to support the administration under any circumstance."

In 1992, Mr. Clinton had finished third in Utah behind both Bush and Ross Perot, so it was obviously easy pickings.

On March 19, 1996, that was the election year, once again, memos went through there, and there was a letter coming from CEQ to the White House that needed to be signed because it had to look as if the President initiated this, not CEQ, not the Interior Department, so you could avoid NEPA compliance. If, and I am quoting again, "If the alleged letter only asked for information about Utah, it looked biased, but ask for a broader review and it would have been clear that there are more compelling areas for designation than Utah parks."

In fact, a week later, in another memo, they said these lands are not really endangered, which is one of the criterias for using the Antiquities Act.

Then they also had, another week later, coming from OMB as well as CEQ, another report saying that Grand Canyon National recreation area, because McGinty and others may want to rope in Kaiparowits and Escalante Canyons, these regions, if the package ultimately doesn't seem adequate. I would mention that what they are talking about adding later on to the package that they initially require is what this bill would be designating as a national park.

As late as July 29, 1996, the CEQ and OMB were worried because a letter had not been signed. They once again sent another memo to the White House saying a letter does not have to be sent, but must be proposed and signed ASAP.

In August of that same year, another memo went to the White House, resigned to having to wait because the Chief of Staff at that time, Leon Panetta, wanted time to talk to western Democrats before they actually signed and introduced anything.

On September 9, news reports came leaking out in *The Washington Post* and other areas that the monument was going to be designated. On September 9, the CEQ then told the Utah delegation that no decision had been made. Secretary Babbitt told Senators Hatch and Bennet and Congressman Hansen that no decision had been made.

On September 14, they once again said, I can tell you categorically no decision has been made with respect to this. Three days later, in a phone call to Senator Bennet, the White House said, oh, no, we deny these news reports. Anybody who says that this is going to happen, does not know what he is talking about. No decision has been made.

On September 9, that story is why Governor Leavitt finally called the White House to try to find out the truth behind that story.

That is the situation of how Grand Staircase-Escalante was originally established as a politically motivated area that was not necessarily in need of protection. In fact, other areas were in greater need, and it was added simply to try to get enthusiasm to election in a state that was not going to vote for Clinton regardless.



I yield back my time, and I welcome the guests who are here. I appreciate listening to your testimony.

Mr. MCCLINTOCK. Thank you.

If there are no other questions, the Chair now recognizes the former governor of the state of Utah, the Honorable Mike Leavitt, who has come to us today from Salt Lake City, Utah.

**STATEMENT OF THE HONORABLE MIKE LEAVITT, FORMER  
GOVERNOR, STATE OF UTAH**

Mr. LEAVITT. Chairman Bishop, Subcommittee Chairman McClintock, and Ranking Member Hanabusa, I want to thank you for the invitation to appear. I have been asked to recount the history of the way in which the Grand Staircase came forward, at least from my perspective as governor at the time.

Grand Staircase, as has been spoken of already, was done in stealth. It happened under wraps. It was done on the fly. There was no consultation done with any state, county, or local leaders of Utah, our Federal office holders, or our people. None. Worse, there was a deliberate effort made to conceal and to keep the monument planning process out of view. Secrecy was so vital a concern to this endeavor that the administration was denying the decision had been made, even as bleachers were being assembled on the North Rim of the Grand Canyon for an event.

The obsessive secrecy was documented multiple times. Once in a letter from the Interior Department. Solicitor John Leshy wrote, and I am quoting: "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen, so take care."

The need for secrecy was reinforced in a memo from the Council on Environmental Quality director, Kathleen McGinty. She said to another White House colleague, and I am quoting, "Any public release of information will probably foreclose the President's option to proceed."

President Clinton announced the creation of the monument on September 18, 1996. The first reports came out 11 days earlier, not from a public announcement, not from an entry in the Federal Register, but a news leak that has been referenced in *The Washington Post*.

I recounted in my written testimony of days of calls and inquiries by me, by members of the Federal delegation, and many others, to every level of the executive branch. I was told by the Secretary of the Interior directly that his department was not involved, and suggested I call the White House, which I did. I was told at the White House that they were not certain where that report in *The Washington Post* came from.

I asked for a meeting with the President or the Chief of Staff. I was finally granted one on September 17, the day before the announcement. At the same time as I suggested the Government of the United States was denying the plan, they had White House events people on the North Rim of the Grand Canyon preparing for the event.

At 1:58 a.m. in the morning on the day it was announced, I finally received a call from the President. The President was gracious, but he said to me, I am just now beginning to review this matter. I was back in Salt Lake City by that time, by the time the

announcement was actually made on the North Rim of the Grand Canyon in Arizona, not in Utah.

This was a piece of land equal in size to the state of Rhode Island, the state of Delaware, and the District of Columbia combined. This is not the way public lands decisions should or were ever intended to be made.

In 1976, the Nation made an important public policy decision we all know as FLPMA, the Federal Land Policy and Management Act. It requires great deliberation and careful process in determining how public lands should be used. Our system of government was constructed to prevent one person from having that much power.

I would like to assert three foundational issues. One, there was land within the boundaries of the Grand Staircase that needed protection, but the President's order went way beyond that which was necessary or prudent.

Second, the secrecy and the circumstances surrounding the monument's creation amounted to abuse of power, process, and protocol so egregious that it is offensive to the concept of democracy itself.

And finally, while this hearing does not consider the ongoing nature of the Antiquities Act, Congress needs to refine it to prevent ongoing misuse. Thank you.

[The prepared statement of Mr. Leavitt follows:]

PREPARED STATEMENT OF MICHAEL O. LEAVITT, GOVERNOR OF UTAH 1993–2003,  
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY 2003–2005,  
SECRETARY OF HEALTH AND HUMAN SERVICES 2005–2009

Chairman Bishop, Subcommittee Chairman McClintock, Ranking Member Hanabusa, and Committee members, thank you for the invitation to speak with you, as we again find monuments and public land protections in my home state of Utah in the national spotlight under debate. This is where we should have been all along.

There are lands in our state that require protection, and the record will show me to be consistently supportive of responsible efforts to do so. My statement today is aimed at establishing two foundational points. First, both the Grand Staircase-Escalante and Bears Ears National Monuments were abuses of the 1906 Antiquities Act, setting aside far more land than was necessary to meet the law's purpose. Second, the way Grand Staircase came forward was an abuse of power, process, and protocol so egregious that it is offensive to the concept of democracy itself.

Debate is a wonderful thing. Good-faith collaborations yield extraordinary results. An open give-and-take involving governments and citizens at all levels makes democracies work. Trust is essential. Had any of these been applied to the original process of designating Grand Staircase in 1996, I doubt we would be here.

The Grand Staircase monument is 21 years old. Bill Clinton was the president who created it. I was governor of Utah at the time. The monument was done in stealth, under wraps and on the fly. There was no consultation with any state, county, or local leaders in Utah, our Federal office-holders or our people. There was a deliberate effort to conceal and keep monument planning out of public view. Secrecy was so vital a concern to the endeavor that the administration was denying a decision had been made, even as bleachers were going up for the presidential announcement at the Grand Canyon.

There were calls made by administration figures to Democratic politicians and allies in surrounding states. Activist groups had input and major newspapers received advance word. Aides to Mr. Clinton fretted over whether to give a heads up to Democratic candidates for office in other states. Utah didn't rate. We couldn't even get a map. The partisanship and unilateral power play were unprecedented and stunning to behold.

Confronted with those circumstances, the move was contentious from Day One. With the stroke of a pen, local communities had their interests upended. Mining leases were impacted, as was statewide funding of public education. Commercial

development was precluded, a 7-year environmental impact study on the coal fields of the Kaiparowits Plateau jettisoned overnight.

Then came the repercussions. Congressional hearings were held, lawsuits filed, the Antiquities Act challenged, and the smoking embers of national vs. western land-use antagonisms once again flamed.

The law was followed, a court ruled 8 years later. But the breach of trust, Federal over-reach and disregard for the basic foundations of democratic government lingered in Utah much longer. The monument born of political expedience never had the buy-in and the constructive voice of surrounding communities those lands warranted and deserved.

Twenty-one years later, a new president and a different Congress are taking another look. Grand Staircase faces a down-sizing and reconfiguration, along with Bears Ears. It did not have to be this way.

There are parallels in the two cases. They rely on an expansive reading of the Antiquities Act in the creation of massive landscape monuments rather than the smallest-area-compatible standard required by the law. Where Grand Staircase was enshrined in Utah much longer. The monument born of political expedience never had the buy-in and the constructive voice of surrounding communities those lands warranted and deserved.

Both monument designations were a race against the clock to do something before time ran out, either to win votes or secure a historical footnote. And both had the effect, whether calculated or not, of forestalling other more time-consuming but comprehensive and workable initiatives to protect the same lands—more assiduously in some cases—while balancing conservation with the economic stability of local communities. One of those initiatives was a Canyons of the Escalante National Ecoregion my administration proposed 3 years before Grand Staircase, the other was the Utah Public Lands Act Initiative launched and led here by Representatives Rob Bishop and Jason Chaffetz.

There is a reason that Washington declarations like Grand Staircase and Bears Ears are described in Utah as “midnight monuments.” They are sprung on the state by a Federal Government removed from the aftermath and disinterested in its socio-economic realities. This time, we can do better. We can work it out for the American people and for Utah, in open discussion with honest brokers, congressional authority and the state of Utah’s imprimatur.

That starts with some undeniable truths and a look back on the Grand Staircase process with the perspective of two decades. First, Utah is a state where 65 percent of the lands are federally owned and administered. San Juan County alone, where Bears Ears is located, is home to a National Park, a National Forest, a National Recreation Area, three National Monuments and the highest poverty rate in Utah.

In Kane and Garfield counties, which share the Grand Staircase footprint, it is a Godzilla-sized imprint. Half of Kane County is taken up by the monument. In Garfield, 98 percent of the land is federally owned.

The preservation of public lands in Utah is always a familiar issue. I grew up in southern Utah, where all of our national parks and both of these monuments are located. No one in this country can love those lands more than those of us who live there. These places are vast and beautiful. They symbolize America and define Utah. They are home. But we also have to honor the processes and laws that guarantee ultimate stewardship and effective management.

In Utah, we seek out new and better ways to work with the Federal Government in the planning and administration of these lands. Governors and local officials build relationships, forge partnerships and lay the groundwork for interagency cooperation. This is one reason the Grand Staircase designation caused shock and outrage. It was inconceivable that someone entrusted to the highest office of the United States would be willing to undertake a process that was purely partisan on a matter of such importance.

I’ll remind you of how it transpired. President Clinton announced creation of the monument on September 18, 1996. The first reports of it that I or any other elected official in the state received came just 11 days earlier from a story in *The Washington Post*.

This kicked off days of phone calls, conversations, delays, and denials by the White House and Interior Department. Secretary Bruce Babbitt said his department was not involved. The White House’s director of intergovernmental affairs told me they weren’t certain where the report came from. I asked for a meeting with President Clinton or Chief of Staff Leon Panetta and was given one a week later on September 17, one day before the still undisclosed monument announcement.

Media reports, meanwhile were indicating that an important environmental announcement was planned at the Grand Canyon the following week. When we inquired directly of the administration about the time, place, and subject, they would

not even confirm an event would occur. Local governments in Utah were becoming more and more concerned. On two other occasions that week I had conversations with Mr. Babbitt or his office. They continued to indicate that they had no information, insisting that the matter was being handled by the White House. When we called the White House, we were referred to Interior.

Phone calls and meetings with local officials continued through the weekend, and we were still being told that “no decision had been made.” On Monday September 16, 1996, the Governor’s office could still not get confirmation of where or what the official announcement would be, despite the fact that buses were being organized to take Utahns to Arizona. I traveled to Washington for the Panetta meeting. That meeting lasted just under an hour. Mr. Panetta was attentive and gracious. He told me that was the first time he had been able to focus on the issue and that he had set aside the afternoon to prepare a recommendation to the President.

I reviewed for him the Canyons of the Escalante Eco-region proposal, a new model of land designation that incorporated the requirements of all the others and tailored the correct land use to specific land parcels. It matched up with the contours of the new Grand Staircase and had been previewed at least a year earlier to Secretary Babbitt. Ironically, the most pristine areas would have been afforded much more aggressive protection in that proposal than what was ultimately proposed.

The bulk of the meeting, however, centered on the presence of school trust lands within the monument. These are lands scattered across Utah that derive revenues from energy, mineral resource development, grazing and timber production. The monies flow to a permanent endowment created at statehood to support public education. Prior to that discussion—and this is the day before the announcement—Mr. Panetta had been unaware of those lands’ existence and the importance they held for the school children of our state.

At the end of the presentation, Mr. Panetta told me I had made a compelling case. To which I replied, “If this is compelling to you, then before the President sets aside a piece of land equal to Rhode Island, Delaware, and Washington, DC, combined, he needs to hear the same information directly from the governor of the state.” I was told Mr. Clinton was campaigning in Illinois and Michigan, but he would call me later in the evening.

At 1:58 a.m. on September 18, I got the call, and we talked for 30 minutes. The President said he was just then beginning to review the matter. I restated the points raised with Mr. Panetta and offered to put them into a memo the President could read in the morning. This was before laptops and smart phones, so I sat at the hotel desk and wrote three pages by hand, then faxed it to the President at his hotel at 4:30 a.m.

The memo said that if a monument was going to be created, the President should create a commission that included state and local government officials to recommend boundaries and solve a number of management questions. It stated that it should work toward a policy that protects the land, preserves the assets and maintains the integrity of the public process.

Several hours later, I spoke again with Mr. Panetta, who said my ideas had merit and that he would be reviewing this again with the President. Later in the morning, he informed me that the monument would be announced and said some of my suggestions on water, wildlife access, and a planning process with local and state participation were being incorporated.

I was back in Salt Lake City at the Capitol when the announcement was made at the north rim of the Grand Canyon—in Arizona. As governor, I had never seen a map, read the proclamation or been invited. Simple courtesies were never the issue. The issue was process and public trust. It’s hard to believe this was how such a decision could be made by the executive branch of the U.S. Government.

Grand Staircase was a major land decision, still one of the biggest in the United States. It was not made the way public lands decisions should or were ever intended to be made. In 1976, the Nation made an important public policy decision when Congress passed the landmark Federal Land Policy and Management Act (FLPMA). It required great deliberation and careful process in determining how public lands would be used. That Act and other related legislation contains protections for state and local communities. It was the policy of my administration then to assure that our state was not denied those protections, to defend Utah’s interest against abuses of power, and to seek additional protections when existing measures proved inadequate.

Use of the Antiquities Act to create Grand Staircase was a clear example of inadequate protection. Our system of government was constructed to prevent one person from having that much power without checks or balances from another source.

The Antiquities Act was originally intended to provide emergency power to protect Indian artifacts and objects of historic and scientific importance, not to create

sweeping monuments of a million-plus acres, with minimal regard for the relationship between the land and the local economy. In southern Utah, both Grand Staircase and Bears Ears individually are larger in size than our five national parks combined.

Using the Antiquities Act also has another downside. What one president can do with a pen, a phone, and a podium at the north rim, another can undo or unravel. Congressional action, had it not been pre-empted by executive over-reach, would have required more time and debate. It also would have provided a solid, enduring foundation.

In the ensuing months, we pressed forward with the administration on our objectives for the monument. We reached agreement on the management plan, and it was better because of the state's involvement.

Two years later, we signed an agreement for a historic land swap: the state exchanged 370,000 acres of trust lands within Federal holdings for 140,000 acres of Federal land and leases for coal and natural gas and \$50 million in cash.

In future years, I served in the Cabinet of the George W. Bush administration, first as EPA Administrator and then Health and Human Services Secretary. For nearly 6 years there, I saw how important decisions should be made in the White House. Nothing ever rivaled the abuse of power and questionable ethics of the Grand Staircase episode.

More was uncovered in time, sometimes under subpoena, about the undemocratic process that occurred—and also about monument impacts and competing values.

The obsessive secrecy was documented multiple times: once in a letter from Interior Department Solicitor John Leshy to the Colorado professor who drafted the proclamation. Leshy stated, “I can’t emphasize confidentiality too much. If word leaks out, it probably won’t happen, so take care.” Another time it was reinforced in a memo from the Council on Environmental Quality Director, Kathleen McGinty, to another official at the White House. That one stated warned that “any public release of the information will probably foreclose the President’s option to proceed.”

Mr. Panetta and President Clinton both indicated at the time that they did not like how it all unfolded, but felt that the momentum of the event had swept things irrevocably forward.

I believe with considerable certainty that the monument originated at the Department of the Interior, working closely with national environmental groups. The proposal was given to CEQ to manage. I’m confident that Mr. Panetta and the President liked the idea of creating a national monument, but I suspect the presidential campaign and environmental organizations clearly took over the process.

Somebody got worried that the White House might start asking questions and delay the event, so they leaked the monument proposal to *The Washington Post*, making it impossible for them to back out. The fact that it was sprung as a surprise, even after being denied all week was morally wrong. The fact that the White House discussed it with the governors of other states, but not Utah was a clear indication of the political nature.

Some additional mindsets and methodologies were revealed in more recent recollections of staff members who gave oral histories for college libraries. Those included statements that locking up coal reserves in the monument was the primary motivation, and that the administration could have used litigation to squeeze out lease-holding coal companies without paying them, but made deals out of fairness.

There was speculation about the future of coal. Solicitor Leshy stated in 2014 that half the coal-fired plants in the country were shutting down, and “coal is on its way out.” He described southern Utah’s interest in coal development as shortsighted, and surmised that the monument payout gave Andalex—the company with the EIS proceeding for its lease on the Kaiparowits—an excuse to “basically beat a retreat.”

With a straight face I imagine, he also lamented that the atmosphere in Congress surrounding the Antiquities Act had become so partisan and assessed that Grand Staircase was the formal end to the region’s “dream” of a heavy industry economy and the turning point to a future based on recreation and tourism. Good to know.

There was a revelation that in drawing up the monument boundaries, a drafter called a friend who had worked at the Grand Canyon Trust to help set the southern border. And in a candid reflection, U.S. Geological Survey biologist Jayne Belnap, who helped craft the monument, suggested that most people likely believe it is God’s will that land be taken care of, but then dialogue falls apart when it comes to defining what caring for the land truly means.

The Sand Flats Recreation Area near Moab, she said, was “killed off” by mountain bikers, not ranching and grazing, and there was no prevailing on bicyclists to acknowledge otherwise. As she put it, “I watched it several times, people riding everywhere making a mess. I tried to talk to some of them about it and they were the

most arrogant . . . 'I am a well-educated environmentalist who sends my money to Sierra Club. You have nothing to tell me.' I would way rather deal with a rancher, frankly." It's all about the construct and point of view.

One other e-mail that surfaced a year after the monument designation was starkly prescient. Written by an associate director of the CEQ, it noted that presidents before Mr. Clinton "have not used their monument designation authority in this way in the past—only for large dramatic parcels that are threatened. The bad guys—her words—will have the chance to suggest that this administration could use this authority all the time all over the country and start to argue that the discretion is too broad."

Twenty years later, by the end of 8 years in office, President Obama had used the Antiquities Act 34 times to lock up more than 553 million acres of land and water as national monuments—66 percent of the total ever designated as a national monument under the Act. It was more than any other administration in history.

To my knowledge, neither president has ever set foot in Grand Staircase or Bears Ears. Yet the proponents of their unilateral actions always maintain that the people who live in these areas will come around and learn to love the monuments. What they never seem to comprehend is that we always did.

The opportunity now lies with Congress to protect and set apart the places in Utah that deserve it, to consider what the lands mean to those who live on them as well as those who visit, to apply the law as designed and assert its proper authority in establishing the best fit for Utah and all of America.

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Mr. MCCLINTOCK. Thank you for your testimony.

The Chair is now pleased to recognize the Honorable Leland Pollock, Chairman of the Board of Commissioners from Garfield County, Utah. He comes to us today from Panguitch, Utah. Welcome to the Committee.

**STATEMENT OF THE HONORABLE LELAND POLLOCK,  
COMMISSION CHAIRPERSON, BOARD OF COMMISSIONERS,  
GARFIELD COUNTY, UTAH**

Mr. POLLOCK. Good morning. My name is Leland Pollock. I am a Garfield County Commissioner. I am also a lifetime resident of Garfield County.

One of the best places on this planet is Garfield County. And very frankly, I am tired of all of the propaganda, 21 years of stories about the Grand Staircase that are not true, so I am glad that you all are giving me an opportunity to come back here to tell the truth. And anybody today that doesn't believe what I have to say, come on out, I will take you around. It will take us, I mean, they have said 1.7 million acres, it is about 2 million acres, after all the state trust lands and everything were consumed by this process within the boundaries of the Grand Staircase, you are talking 2 million acres of land.

To put this into perspective, Garfield County is the size of Connecticut. Ninety-three percent of my county is Federal lands, 3½ percent state, 3½ percent private. So, from a county perspective, and if you have ever tried to do taxes and tried to collect revenue, just put that into perspective how hard it would be to manage a county. But that is not the point. The point of the matter is there have been negative impacts.

Number one, school enrollment in the little town of Escalante, prior to the Grand Staircase, was 150 children, 7th through 12th grade. That was the school enrollment, 150. Congressman Stewart brought up the state of emergency. We didn't make that up. The County commissioners didn't do that. We did that at the request

of the school district, because the school enrollment numbers had dropped to 51 children, 7th through 12th grade. Everybody here that is listening knows how hard that would be to educate 51 children, 7th through 12th grade.

So, if all of this economic benefit that has been talked about is true, why did the school enrollment drop? Well, Number one, it is pretty obvious, all the traditional uses of all that land were taken away from us.

Now, I would like to make another point. Probably 20 percent of that monument is visited. I don't doubt that. I applaud the fact you are trying to do something with that, say, 20 percent. But 80 percent of the land mass—if you don't believe me come on out, we will go out—a lot of it, the roads have been closed, but it is just BLM rangeland like you will find anywhere in the western United States. And I am sorry, people are not going to travel from all over the world to look at sagebrush and regular BLM rangeland. There is no tourism value.

Why is that the case? Because it was tied up for political reasons. It was tied up to stop coal mining. It was tied up to limit and prohibit the traditional grazing practices. As far as grazing goes, there has been a story that no AUMs have been cut, animal unit months. Animals on the ground, basically, is what it is. That is not true. Those AUMs have been suspended. That means you cannot run them on the land. Why have they been suspended? Because we have not been able to do actual range recovery projects. We have not been able to maintain the land.

On western land in 1934, the Taylor Grazing Act—that is what created the BLM, the way I understand it—was created to do recovery projects. Now, on all this BLM land that is still BLM monument, there have been no recovery projects. Water sources have dried up. That does not just hurt cattle, that hurts mule deer, big horn sheep. It hurts the land, soil erosion problems, all kinds of evasive/invasive weed problems, pinyon and juniper encroachment.

Western land has to be maintained. I am sorry. I know there are radical environmentalists, so-called environmentalists that say, oh, no, just leave it alone. You cannot do that with BLM land. That is why the BLM was created.

In closing, I applaud this effort, and I just ask you, please look at all the facts. Don't get wound up about political agendas, just look at the facts.

Thank you for your time.

[The prepared statement of Mr. Pollock follows:]

PREPARED STATEMENT OF LELAND F. POLLOCK, COMMISSIONER,  
GARFIELD COUNTY, UTAH

Chairman Bishop, Ranking Member Grijalva, and members of the Committee, my name is Leland Pollock, and I am the chairman of the Garfield County, Utah Commission. I also serve as chairman of the National Association of Counties Public Lands Committee and have formerly served as the Chairman of the Utah Association of Counties Public Land Steering Committee. I am also the son of a Park Service employee and literally grew up within the boundaries of Bryce Canyon National Park. I have lived on and around public lands my entire life, and understand their importance to the local communities and the Nation as a whole. Based on a lifetime of experience with public lands and National Parks, I believe I am informed and can accurately testify before you today.

Garfield County is a scenic rural area roughly the size of Connecticut. Ninety-three percent of the land base is under Federal ownership, and I believe we are the only U.S. county that contains portions of three National Parks (Bryce Canyon, Capitol Reef, and Canyonlands). We are also home to significant portions of the Glen Canyon National Recreation Area, the Dixie National Forest, the Grand Staircase-Escalante National Monument (GSENM or Monument), two BLM field offices, and a small segment of the Fish Lake National Forest. Private ownership is extremely limited, and is only 3 percent to 5 percent of the total land base. On that limited tax base Garfield County is responsible for schools, road maintenance, garbage collection, emergency medical services, law enforcement, search and rescue, and a host of other public services. Garfield County, like Kane County, is responsible for the liabilities on millions of acres of Federal land within their boundaries, without a voice in how those lands are managed.

I am here today to testify on local needs of Garfield County for the Grand Staircase-Escalante National Monument and the Escalante Canyons National Park proposed by Representative Chris Stewart. Public lands, monuments, and parks are a wonderful thing. The basic premise of preserving outstanding resources for the enjoyment of current and future generations is honorable. The BLM and Park Service have developed wonderful skills at managing people while preserving resources.

Unfortunately, over the past few decades, enjoyment of public land and park resources by current generations has suffered at the hands of those who believe Federal lands should be managed to lock people out and prohibit reasonable visitation and access. It has suffered by a misguided notion that the best management comes from agency heads that are significantly influenced by special interests and political lobbying. For the past 21 years Garfield County has been forgotten by Federal managers thousands of miles away who do not understand the impact the Monument has had on the lives of real people in southern Utah. As a County Commissioner I must speak up for those forgotten families, forgotten stewards of the land, forgotten hunters, ranchers, and tourists, those who are clinging to a life they once knew and that could be restored if those people had a voice that was heard in Washington, DC.

The proposed Escalante Canyons National Park and the various units of the GSENM, to be of any significant benefit to anyone, must be managed (a) largely under the direction and guidance of local elected officials who best know and understand the resources, and (b) to accommodate a variety of the American public by becoming "people places." They must be places that allow the current generation to enjoy and appreciate the great wonders of the area, while preserving the resources for future generations.

Garfield County has the skills, technical knowledge, and ability to accomplish these two tasks simultaneously: (1) facilitate and allow the enjoyment of Garfield County's outstanding resources by the current generation; and (2) preserve our outstanding resources for future generations. These are not mutually exclusive management goals. The local people had accomplished those multiple use/sustained yield goals for over 100 years prior to the designation in 1996. Unfortunately, many individuals and groups create conflict and promote exclusive, single-use designations for the purpose of restricting public access to public lands.

#### MONUMENT EFFECTS

President Clinton's monument designation 21 years ago started a suffocation of Garfield County. While no single industry felt an instant fatal blow, the effect of the restrictions cumulatively was death by a thousand cuts.

#### *Socio-economic Deficiencies*

Prior to 1996 Garfield County was a growing economy and population. For approximately 120 years multiple-use land-based industries that sustainably and reasonably used public lands surrounding Escalante supported the families of that community. With severe monument restrictions on that land, businesses started closing and young families were forced to move to metropolitan areas to find employment. That exodus caused a self-perpetuating effect in all industries that now had a dwindling customer base. This economic shrinking has continued for 21 years.

The tourism jobs that were promised were never realized, as the monument has never been managed for tourism and access to visit the incredible sights, but rather for limited recreation and more like a conservation area. The few jobs that outfitting and recreation guiding did bring are seasonal and low wage; more suited for college students in the summer than for a living wage to support a family year-round. Nationally, 10.5 percent of the economy is made up from service industries. In Garfield County tourism and service industries (and it is usually the low end jobs from those industries) comprise approximately 44 percent of the local economy.



Attached is a chart showing the seasonality of Garfield County employment compared to two nearby communities and the state of Utah. All other effects stem from a struggling local economy hobbled by over-burdensome land restrictions.

Please also note, some will attempt to mislead you into believing the Grand Staircase-Escalante National Monument has been a great economic boon to Garfield County. They often cite an economic study produced by *Headwaters Economics*. That study draws its data from communities that are hundreds of times larger than Garfield County, such as the Phoenix metropolitan area, and the area designated for monuments is 5 percent to 10 percent of that designated for Garfield County. The study also includes the largest community in southern Utah in the analysis, even though it is two counties (over 100 miles) away and on the other side of Zion National Park and Bryce Canyon National Park.

#### *Loss of School Kids and Families*

Since creation of GSENM in 1996 enrollment in the 7th through 12th grades of Escalante High School has dropped from over 150 students to less than 50 today. That is a loss of more than 66 percent. We would not permit the loss of two-thirds of the juveniles in any species on this planet. But yet, we manage our public lands that completely surround the communities in Garfield County in a manner that results in that very same loss. Only in this instance, we're talking about people, families, and human lives. Even when classes are available, the quality of education with only a few students per class, without sufficient student/social interaction, suffers compared to an energetic class of 15–20 students discussing and sharing diverse viewpoints. The situation became so unbearable that in 2016 the County was forced to issue an emergency declaration.

#### *Increased Burdens on Local Governments*

Garfield County has tremendous scenery. Creation of the Grand Staircase-Escalante National Monument brought attention to that scenery and required increased local government services in the form of road maintenance, law enforcement, search and rescue, and other services. For example: The Hole in the Rock Road, a route originally traveled by pioneers in 1879, has increased approximately 2,000 percent since 1996. However, the Monument Management Plan, written and controlled by agency heads without accepting local input, prohibits improvements to the road. That means Garfield County cannot install culverts or drainage improvements to accommodate floods which leads to poor road quality and increased automobile incidents not equipped to handle the rough roads. The BLM and Park Service then repeatedly call our road crews out in the middle of the night—risking our lives—to rescue trapped and stranded visitors. Here again, local elected officials have the information and experience to correctly manage problems, and agency heads in Washington, DC are unfamiliar with the territory.

Similarly, utility corridors, well established prior to the Monument designation, have been severely restricted by poor management without local input. Garfield and Kane Counties have been limited in expanding fiber optic connectivity for internet and cell towers because of management restrictions within already prescribed utility corridors. Beside the economic potential that connectivity would provide, the lack of adequate cell reception has created a safety issue that could often be prevented by stranded visitors being able to call for help or use mobile-based navigation.

That same utility corridor restriction caused an emergency in the town of Henrieville which was not permitted to access its water lines for repair in the Monument and suffered a catastrophic collapse of its entire water system. Tens of thousands of gallons of water for drinking only was hauled to the city at great expense over a week until the right to access the lines was allowed by Monument management.

#### *Lack of Adequate Signing*

The same Monument Management Plan prohibits guidance signing in approximately 94 percent of GSENM. People on even the most popular hikes are frequently lost; and in July of this year we had another death on the trail to the second most popular hike in the Monument because the hiker could not find the trail back to his car. Most of the consequences of poor management are preventable with proper simple signage. However, the expense for poor management is passed on to Garfield County when called for search and rescue, medical, and law enforcement services.

#### *Loss of Artifacts and Objects of Antiquity*

One of the great ironies of the Grand Staircase-Escalante National Monument is collection of artifacts and souvenirs. The Monument Management Plan prohibits any rock or artifact removal, including for the Monument itself for use in display purposes in the visitor center because the visitor center is located in Canonville

Town, outside monument boundaries. However the Management Plan allows universities and museums to come to Garfield County, extract and raid our world-class archaeological and paleontological artifacts and take them out of the County with no remuneration and without any local hope of their return. If the landscapes are unique to the area, and worthy of visitors coming to experience them here, the unique paleontological and archeological resources are equally impressive and researchers should come to Garfield County to experience them. Federal agencies have long promised, in accordance with scientific protections of the Antiquities Act, to make the Grand Staircase-Escalante National Monument a science monument with a science research center and on-site university classes, but for 21 years those promises have never been fulfilled.

#### *Closing the Monument to Visitors*

A 1.9 million acre Monument should be large enough to accommodate many visitors. However, the Management Plan, written without genuine local input, severely restricts visitation in almost all parts of GSENM. In two-thirds of the Monument many small groups of friends or family cannot legally visit together because they will be over the 12 person limit. In 94 percent of the monument family reunions or scout camp-outs are illegal because of the 25 person limit. In the front country designation it is a violation to collect dead and down firewood, so families cannot roast marshmallows or hot dogs unless they bring their own firewood. The monument management plan is written to keep people out rather than accommodate reasonable visitation and allow the public to enjoy the area in a reasonable manner. These explicit rules also restrict historic religious and cultural heritage events, which were supposed to be grandfathered into the Monument Plan, but the Harvey rule precluded that use.

Much of that closing to visitation is implicit. A purposeful lack of most infrastructure discourages the vast majority of Americans from enjoyment of these public lands. The second most popular destination, the Peekaboo and Spooky trails, lack any restroom facilities, and the trailhead and parking area is covered in trash and human waste by more than 20,000 annual visitors leaving a health hazard and stench. Another popular religious and cultural attraction, Dance Hall Rock, finally received a restroom, the only restroom in over 40 miles of popular attractions, only after 19 years of persistent requests.

#### *Wildlife Habitat Recovery and Livestock Grazing*

The Monument has historically been a coveted hunting ground for mule deer and other species. Wildlife benefited greatly from livestock producers who maintained vegetative quality and water sources for livestock and wildlife alike. While livestock grazing was guaranteed by the 1996 designation, Monument management decisions to not allow habitat recovery projects or for equipment use for water source maintenance that naturally erode over time, has severely limited livestock producers and their livelihood. Monument management repeatedly cite that few livestock numbers have been permanently reduced, but in reality over a third of the guaranteed AUMs have been "permanently suspended" due to dwindling grazing conditions on the ground. Monument management does not need to cut AUMs from livestock grazing, the ranchers will be forced to do it themselves because there will not be anything on the ground for their livestock, or the wildlife, to eat.

The effect of that restriction has also impacted wildlife, including critical mule deer migratory corridors. This wildlife decline has impacted the local population as well as sportsmen across the intermountain region who have historically relied on southern Utah as a premier hunting destination. Without the habitat recovery projects carried out on public lands across the West, all animals suffer.

#### FUTURE SOLUTIONS

These are just few of the real-life problems that have occurred because local elected officials were not given any voice in managing lands within their jurisdiction. Admittedly, Federal officials provided lip-service, held open houses, and requested comments in the Federal Register. However none of the local input was adopted into the plan. While a historic view of the effect of poor management could continue, I prefer to focus on solutions for the future to better accomplish the dual goals of enjoying and using the land now, and preserving the resources for future generations. Congressman Stewart's legislation for Garfield County, Canyons of the Escalante National Park, and the units of the Grand Staircase-Escalante National Monument will provide a balance between Federal management and local input and establishes a platform to best accomplish those dual goals.

Primarily the proposed legislation will better place public lands in public hands again. Critical to that aim is the distinction between tourism and recreation.

Tourism is conducted by larger groups of people and is generally attraction based. Tourists come prepared for a specific set of activities and are looking for a specific set of outcomes, locations, schedules, or accommodations. Many details and other aspects of their experience may be handled by others. The presence of other individuals participating in the same activity is accepted and sometimes welcomed. Frequently tour buses, shuttles, paved roads and trails, trams, and other facilities for transporting people to various places are used.

Quite differently, recreation is most generally self-directed and involves much smaller numbers of people, possibly only one or two individuals. The presence of others participating in the same activity, at the same time in the same place is unwanted and unaccepted. Often, facilities are not required or are even shunned. In parks and monuments where tourism and recreation are both accommodated (e.g. Zion and Bryce Canyon National Parks) recreation makes up a very small percentage of the visitors, generally less than 5 percent to 10 percent.

The more heavily visited areas of Zion and Park Bryce Canyon National Parks are examples of tourism and represent people parks/monuments/public lands. The remote areas of Capitol Reef National Park and the Maze District of Canyonlands National Park are example of land base parks. It should be noted that even people parks like Bryce and Zion use a relatively small percentage of their lands to accommodate the vast majority of their visitors, and recreationists are able to enjoy the majority of the land in solitude that most tourists will never try to visit. A key distinction is also that people parks/monuments accommodate both tourism and recreation. Land base parks/monuments only accommodate recreation. Hence, land based parks have a much smaller visitation and a much higher per visitor cost than people parks.

In order for the Grand Staircase-Escalante area to fully benefit the American public it needs to maximize the value to both tourists and recreationists, while at the same time preserving the attractions, heritage, scenery, activities, and resources that justified the designation in the first place. Time and space are insufficient to discuss all aspects of managing the public lands in the Grand Staircase-Escalante area, but summarized below are some of the most important aspects that need to become foundational management principles.

#### *Access*

In order for the Grand Staircase-Escalante lands to be a benefit to the American public, access needs to be provided for tourism and for recreation. For the past 20 years access in the GSENM has been woefully inadequate. It is the main source of conflict between the Federal Government and the state of Utah and its counties. Even remote access roads throughout the Monument have been repeatedly restricted and closed throughout the 21-year history. On the current trajectory there will not be any motorized access inside the monument in another 21 years. Generally, the Grand Staircase-Escalante area is bounded on the south and west by U.S. 89 and on the north by State Highway 12; an All-American highway. Other than those two state highways, paved roads in the monument are limited to 14 miles of the Burr Trail Road, a short section of Kodachrome Road from the town of Cannonville to Kodachrome Basin State Park, and a few miles of Johnson Canyon Road through private land in Kane County. Hole in the Rock road, the most heavily used road in the interior of the monument, has management plan prohibitions against reasonable improvements. In order to make the entire area work for the public, access must be improved, roads must be reliable, and infrastructure supporting recreation and tourism must be developed. Many of the search and rescue efforts could be prevented with better road access and signage on those roads so visitors know what their vehicle is suited to and where they should avoid.

Associated with such improvements are adequate rights-of-way along the existing roads and trails. The rights-of-way need to include sufficient width to accommodate turnouts, overlooks, bus turnarounds, rest stops, restrooms, bike lanes, interpretive areas, and other features normally found in national parks and monuments. It is estimated that a width of 330 feet on each side of state highways or county road centerline would be sufficient for all major collectors and arterials. For local roads and resource roads a width of 165 feet on each side of centerline would be generally adequate with provisions in specific instances to increase to the 330 foot width identified for larger transportation facilities.

#### *Attractions*

There are numerous spectacular natural attractions along the existing county roads and state highways. Many more attractions exist within walking distance from major transportation facilities. However, the current monument management

plan prohibits the development of pathways, trails, and facilities that will accommodate visitors and especially Americans with disabilities.

Adequate flexibility needs to be provided, so as attractions are identified, they can be accessed by those desiring to participate in tourism-based activities. More remote attractions which require knowledge of the backcountry, technical skills, or strenuous efforts can be reserved for those individuals and groups that desire to participate in less developed recreation oriented activities. The area is more than large enough to easily accommodate both without competition.

#### *Community Development*

It is recognized that development of tourism related facilities is best located in communities adjacent to parks and monuments and not on public lands. Tourism related facilities accommodating a large number of people, large developed campgrounds, eating facilities, and other convenience based infrastructure should be located on private lands within towns and communities. Facility development within the parks and monuments should be limited and relatively primitive. Campgrounds should not compete with local businesses. Concessionaires and tours should be housed primarily in nearby communities, parking areas should be adjacent to county roads and trails, and local communities should be sustained in every manner possible. Likewise, employee housing, as much as possible, should be included in the communities so that park and monument employees become integrated into the communities where they live to develop relationships with the local residents and better understand the relationship between Federal lands and local populations.

#### *Scenery*

Visitor use surveys conducted by various Federal agencies indicate motorized recreation for viewing of scenery and pleasure is the dominant recreational activity on public lands in Garfield County. The scenery is what draws people to the area. State highways and county roads need to be augmented with adequate turnouts, viewpoints, and parking areas. Rest stops need to be carefully placed, so viewing may be maximized and safety ensured. Wherever possible, such parking facilities should also be tied to attractions, interpretive sites, and points of interest.

#### *Traditional Uses*

One of the major problems with the creation of the Monument in 1996 was subsequent management attempted to curtail or eliminate traditional activities that have occurred in the area since settlement. Hunting, fishing, hiking, camping, rock hounding, backpacking, canyoneering, mountain bike riding, ATV use (limited to existing roads), and other activities that have been going on for half a century need to be authorized and continued. Significant work has been done by the Utah Division of Wildlife Resources (UDWR) and others to restore various wildlife habitats and populations. Wildlife management is a significant aspect of UDWR's program and must continue to be managed by the state of Utah. Proper wildlife management, hunting, and fishing within Federal designations must continue to be under the jurisdiction of the state of Utah and needs to be supportive of local values and interests. The Monument must be able to work better with UDWR and other wildlife organization to enhance and restore critical wildlife habitat and ensure that hunting those areas, as well as other traditional uses, will continue in perpetuity.

#### *Domestic Livestock Grazing*

Domestic livestock grazing is a critical part of the local heritage and continues to be a significant economic driver. It is engrained and entwined in our way of life and culture and is under constant threat from outside special interests. As a County Commissioner, I seek a voice for the quiet rancher working tirelessly to provide for his family as many previous generations did before him. Currently that rancher is not sure whether he will be able to continue ranching, what future monument boundary changes will mean for his family and heritage, or whether there will even be a resource to graze. Those families need certainty in the future from Congress. Livestock grazing must be continued and enhanced through reasonable and sustainable vegetative and water projects in perpetuity to guarantee this part of our heritage in the American West is not lost.

#### *Hiking and Camping*

Hiking and camping activities need to be supported through development of appropriate facilities. As these activities get increasingly remote, the facilities can be reduced accordingly. However signing needs to be available at all popular hikes and should be developed in a manner that is conducive to the activities. There must always be adequate information available, so someone who is lost or having trouble will have an opportunity to receive the support they need.

### *Scientific Research and Museum*

Garfield County views the loss of scientific resources (archeological and paleontological) as an extraction industry that has resulted in a loss to the local area. High on Garfield County's list of needs is Scientific Research and a Museum. The science industry is a clean technology that would provide valuable jobs, a critical element to a diversified economy, and other benefits to areas that are losing valuable archeological and paleontological artifacts. The state of Utah, Garfield County, public entities, and private enterprise are engaged in an effort to develop a human history museum in Escalante. It is partially complete; and preliminary plans are designed to accommodate Federal participation in the scientific research and the curation of artifacts. Archeological and paleontological specimens collected from Kane and Garfield Counties should remain here, and the scientific research associated with them should also be conducted here. Colleges in Utah have partnered with Bryce Canyon National Park to provide joint educational opportunities connected with college degree programs. Those efforts should be expanded to include the communities and schools in the Grand Staircase-Escalante Canyons area. Kane and Garfield Counties could become science hubs of unique resources and bolster the scientific and educational opportunities not usually provided rural counties. However, these endeavors are only guaranteed through local input in the management of those resources as Federal management has been ineffective thus far.

### *Consistency, Cooperation and Coordination*

Garfield County recognizes great value in consistency, cooperation, and coordination between the various levels of our Nation's governments. Garfield County desires to be fully engaged in the planning and development phase for the modified monument and adjacent lands. Garfield County has gone to significant effort to educate itself regarding Federal processes associated with CEQ regulations, NEPA, FLPMA, and Park Service regulations and guidance. We believe the County is in a position to be a cooperating agency and valuable resource on every plan or project proposed by the Federal Government. Additionally, we believe, in many instances, we are ideally suited to serve as a joint lead agency, especially where the facilities either impact or are maintained by Garfield County. This is certainly true for the transportation network which is entirely maintained by Garfield County. It is also true for those activities that involve search and rescue, law enforcement, emergency medical services, solid waste collection and disposal, water quality governed by the Clean Water Act, and air-quality governed under the provisions of the Clean Air Act. Management plans for monuments and parks are best developed in cooperation and coordination with local elected officials, and FLPMA mandates that Federal plans be consistent with state and local plans to the maximum extent allowed by law. That has not happened in the last 20 years and nothing but conflict is the obvious result. Local elected officials must have a meaningful seat at the table throughout the planning and development process and must be full partners with local agency executives in the development and implementation of resource management plans.

### CONCLUSION

H.R. 4558 best provides for the best management of the incredible beauty and resources located in Garfield and Kane Counties. Through local input working in cooperation with Federal land managers, we can achieve the goals of enjoyment and use of the land now and preservation of these lands for future generations of all Americans, not just a select few. Only the principles in this legislation allow us to return these public lands back to public hands.

There will be some who criticize this testimony and attempt to pick it apart word by word. Admittedly, I am not the most eloquent of individuals in verbal or written presentations. However, I can assure you, my sincerity cannot be questioned.

Local elected officials know the land best, know what their constituents need, and know how to best serve the visiting public while preserving the resources that brought them to our area in the first place. And we have skin in the game. We will be here long after Federal officials are transferred and the visitors return home. We will live—and die—with the management decisions that are made. We should have representation in those decisions.

There is adequate room in the concepts I have presented for improvement. Things may need to be altered, changed, and modified. But there is no fault in local elected officials having a say in what happens within their jurisdiction; and there is no deficiency in our ability to solve differences if we want to. There is adequate acreage for a variety of experiences; there are adequate resources; there are technical skills that can be employed; there are a host of management structures that can be used;

and importantly, Mother Nature has the ability to assist us and correct our minor flaws. But even she cannot help us if groups or individuals focus on exclusion and conflict rather than solutions. And she smiles on those industrious local officials that do their best to cooperate with her and preserve her resources for current and future generations.

We are hopeful that, after careful consideration, Congress will take appropriate steps to make Garfield County's lands more available to the public, better managed by including local management and more supportive of local and national socioeconomic needs, by quickly passing this bill with bi-partisan support, showing Garfield County that Congress has no longer forgotten them. Thank you for the opportunity of speaking today.

Exhibit 1: A chart of Garfield County school enrollment depicting the period of time the Grand Staircase-Escalante National Monument has been in existence. Please note, it has not broken out the Escalante High School enrollment. Had that specific school been shown separately, you would notice more pronounced impacts that are shown on Exhibit 1. We can provide that data as needed.

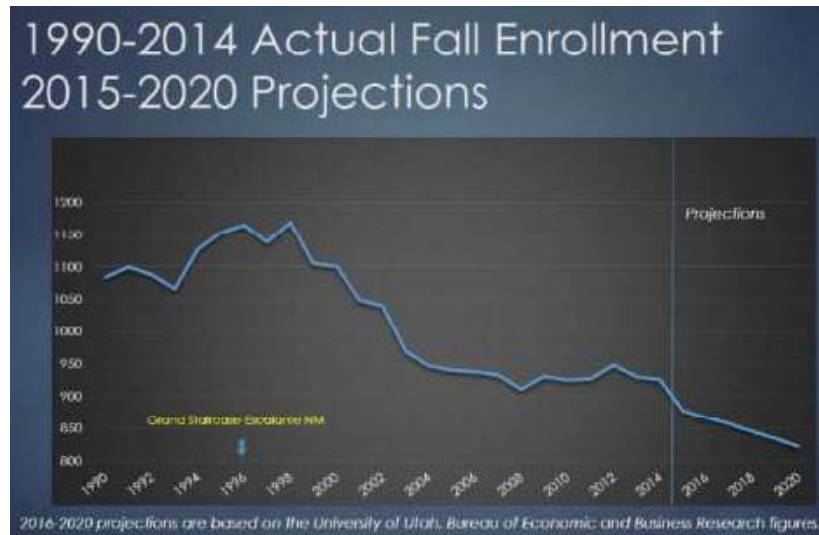
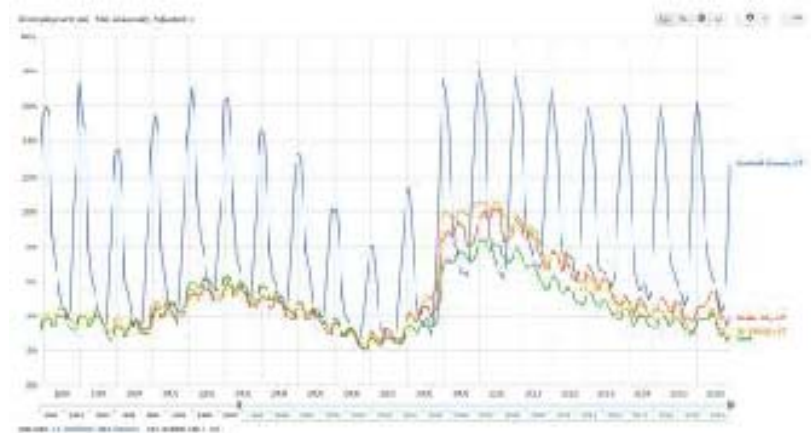


Exhibit 2: A graph depicting unemployment figures from Garfield County with those from Cedar City, Utah and St. George, Utah.



Among the permanent workforce, about one person in six will be unemployed in January every year.

While Garfield County unemployment dropped below the regional and state averages in the summer months during the early years of the Great Recession, it exceeds those areas in recent years.

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#### ATTACHMENT 1

The following information is provided to augment testimony provided at the hearing of December 14, 2017 for the Grand Staircase-Escalante Enhancement Act

1. Visitation statistics for areas near Willow Canyon Outdoor Company, Kanab Utah

Park Units Near Kanab, Utah	Annual Visitation	Distance from Willow Canyon Outdoor Co.		Comments
		Miles	Time	
Zion National Park	3 Million	30	34 min	
Lake Powell / Glen Canyon NRA	3.3 Million	75	75 min	
Grand Canyon NP	6 Million	75	90 min	
Cedar Breaks NM	900,000	73	90 min	
Bryce Canyon NP	2.4 Million	90	100 min	
Calf Creek Falls	35,000	150	3 hrs	GSENM biggest attraction
Peekaboo/Spooky	22,000	166	3 hrs 30 min	GSENM 2 <sup>nd</sup> biggest attraction

2. Testimony was provided indicating GSENM visitation at the visitor's centers was approximately 1 million visitors per year. The visitor's centers for the GSENM are located primarily in established communities outside the monument boundaries and are located along US-89 or State Highway 12. Visitation at these established facilities within municipal limits is not reflective of visitation within the Monument boundaries. The visitation figures at the visitor's centers more accurately reflect motorists on US-89 and SR-12 that need to use the public restroom or want to take a short break from driving.

Although Monument visitation figures are not highly reliable, GSENM staff indicate Lower Calf Creek Falls is the highest used area in the entire Monument and receives somewhere between 30,000 and 35,000 visitors per year. The second highest use area is Dry Fork with the Peekaboo and Spooky slot canyons. Visitation approximations indicate a combined total of only 22,000 visitors per year at the two sites. In other words, the total visitation at the two most popular sites in the

GSENM is less than 60,000 per year. Discounting drive through traffic on US-89, SR-12 and county maintained routes, it is unlikely total visitation in the GSENM exceeds 180,000 per year or 1/10th person per acre per year. Comparatively, visitation at Bryce Canyon National Park (which abuts the GSENM and is located in Garfield and Kane Counties) is more than 68 persons per acre per year—approximately 700 times more than the GSENM.

3. A witness (Susan Hand) at the December 4, 2017 hearing indicated they did not desire to take their children hiking in an area where hunting was allowed. She then indicated they had gone hiking in Lower Calf Creek Falls in GSENM. It should be noted hunting is allowed in Lower Calf Creek Falls (except in the established campground) and has been an ongoing authorized use during the 20 years since the Clinton Proclamation in September 1996. It is authorized today under the President Trump modification; and it will not change with designation of a National Park proposed by the Stewart legislation.

4. Ms. Hand also testified over 120 outfitters and guides hold permits on GSENM. She also testified, “Utah’s outdoor recreation provides 110 jobs that depend on protected public lands. It should be noted the witness did not testify that Kane and Garfield Counties had the 110 jobs. Those jobs were identified with the statewide economy and do not necessarily benefit the local economies of Kane and Garfield Counties. Also notable, Kane and Garfield Counties already house protected lands that make up approximately 90 percent of their land base. Nothing in the Stewart legislation prohibits continuation or expansion of the outfitter and guide business; and nothing prevents continued use of the lands by the 110 jobs. In fact, the Stewart legislation enhances such opportunities.

5. Although visitation numbers are significantly less than several protected areas in and near Garfield County, Utah, road use and road maintenance needs have increased. For instance, Garfield County has been required to grade Hole in the Rock Road approximately 20 times per year in order to provide a suitable surface for passenger vehicles. The County has also been called out by BLM to rescue motorists stranded by floods. Yet, at the same time as road maintenance needs are increasing, the current Monument Management Plan prohibits any surface improvements to the county’s roads in the Monument. The Plan prohibits making access safer and more reliable—hardly management that protects the public interest.

6. Representative Stewart’s proposed legislation recognizes Garfield and Kane Counties’ responsibility regarding Hole in the Rock Road. BLM’s Interior Board of Land Appeals (IBLA) recognized a similar responsibility in 1988. Exhibit 1 is a document in which IBLA recognizes the Hole in the Rock Road to be an RS 2477 right-of-way. The recognition of Hole in the Rock Road as a County managed transportation facility is codification of previous BLM decisions.

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The following document was submitted with this supplement to Mr. Pollock’s testimony. This document is part of the hearing record and is being retained in the Committee’s official files:

—Exhibit 1. August 17, 1988 IBLA Ruling



## ATTACHMENT 2

1. Mapping indicates Washington County Utah was included in the Headwaters study. Washington County, Utah is the only County in the study that does not contain a monument. The table below lists pertinent facts about the Headwaters counties.

Monument	County	Population	Principal City	Industries	Area / Acres
<b>Mt. Saint Helens</b> Washington	Lewis	75,455	Centralia		110,000
	Cowlitz	102,410	Longview		
	Skamania	11,066	Stevenson*		
<b>Hanford Reach</b> Washington	Grant	89,120	Moses Lake		195,000
	Franklin	78,163	Pasco		
	Benton	175,177	Prosser		
<b>Newberry, Or</b>	Deschutes	157,733	Bend		55,500
<b>Cascade-Siskiyou</b>	Jackson	203,206	Medford		87,000
<b>Giant Sequoia</b> California	Fresno	930,450	Fresno		328,300
	Tulare	442,179	Visalia		
	Kern	839,631	Bakersfield	Agriculture, petroleum, aviation, military	
<b>Carrizo Plain,</b> California	San Luis Obispo	269,637	San Luis Obispo	Polytechnic University, tourism, agriculture	250,000
<b>St Rosa/Jacinto Mtns, CA</b>	Riverside	2,189,641	Riverside		280,000
<b>Craters of the Moon,</b> Idaho	Butte	2,891	Arco*		715,000
	Blaine	21,376	Hailey*		
	Minidoka	20,069	Rupert		
	Power	7,817	American Falls*		
<b>Grand Cyn. Parashant, AZ</b>	Mohave	200,186	Lake Havasu		1,050,000
<b>Vermillion Cliffs, AZ</b>	Coconino	134,421	Flagstaff		294,000
<b>Agua Fria, Arizona</b>	Yavapai	211,073	Prescott		222,000
<b>Sanoran Desert,</b> Arizona	Maricopa	3,817,117	Phoenix		718,000
	Pinal	375,770	Florence		
<b>Ironwood Forest,</b> Arizona	Pinal	375,770	Florence		189,000
	Pima	980,263	Tucson		
<b>Canyon of the Ancients, CO</b>	Montezuma	25,535	Cortez*		176,000
<b>El Malpais, New Mexico</b>	Cibola	27,213	Grants		114,300
<b>Upper Missouri River Breaks,</b> Montana	Blaine	6,491	Chinook*		495,500
	Chouteau	5,813	Ft. Benton*		
	Phillips	4,253	Malta*		
	Fergus	11,586	Lewiston*		

\*Not part of a micropolitan or metropolitan area. GSENM population density 1000% less than next closest monument.

2. Mapping indicates Washington County is included in the Economic region impacted by the Grand Staircase-Escalante National Monument. Washington County has a population approximately 12 times that of Kane and Garfield Counties combined. So it is the dominant economic driver.

3. Headwaters says. "Services industries that employ a wide range of people—from doctors and engineers to teachers and accountants—have driven economic growth and now make up the large majority of jobs, even in rural areas." Service industries also employ motel maids, bus boys and dishwashers. In 1996 there were three engineers in Garfield County. Now there is one.

4. Income per capita has risen because the loss of children. Husband & wife at \$48K each with 1 child was \$32K per capita. 51 employees at \$48K with 4 total kids is \$44K per capita.

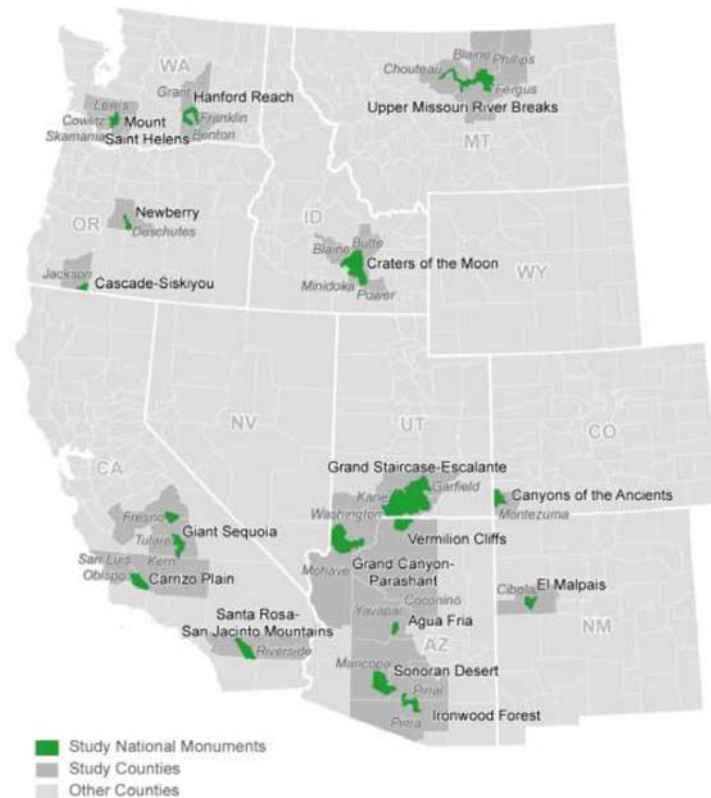
5. From <https://headwaterseconomics.org/wp-content/uploads/Escalante.pdf>.

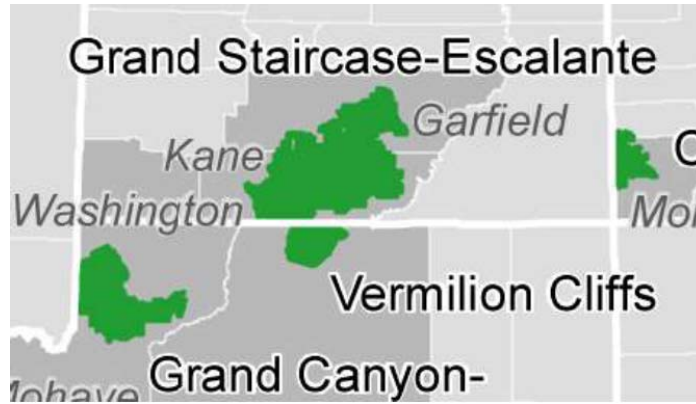
"Services jobs—such as doctors, engineers, and teachers—account for the majority of employment growth in the Grand Staircase-Escalante Region in recent decades. These jobs are increasingly mobile, and many entrepreneurs locate their businesses in areas with a high quality of life.

From 1996 to 2008, in the Grand Staircase-Escalante Region:

- Services grew from 3,627 to 5,749 jobs, a 59 percent increase
- Non-Services shrank from 1,294 to 1,148 jobs, an 11 percent decrease”

The summary indicates service jobs grew by 2,122 jobs. If doctors, engineers and teachers make up a majority that would mean at least 1,062 new doctors, engineers and teachers in Kane and Garfield Counties. Clearly the report is about Washington County.





Mr. MCCLINTOCK. Thank you for your testimony.

The Chair now recognizes Ms. Susan Hand, General Manager and Outdoor Goods Buyer for Willow Canyon Outdoor, from Kanab, Utah.

**STATEMENT OF SUSAN HAND, GENERAL MANAGER AND  
OUTDOOR GOODS BUYER, WILLOW CANYON OUTDOOR**

Ms. HAND. Thank you, Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee, for this opportunity to testify.

I am co-owner and manager of Willow Canyon Outdoor Company in Kanab, Utah. I am wildly passionate about the magnificent landscapes that comprise my homeland. But I came to talk to you about our local economy and how the Grand Staircase-Escalante National Monument has supported it over the last 21 years.

I will start with an excerpt of an Op-Ed piece I wrote as the review of our national monument began.

*With my husband and two small children, I settled in Kanab in 1994. We purchased a dilapidated commercial property three blocks from a humble downtown. On one side, a shuttered garage cradled decades of junk. On the other was an abandoned bakery. Old signs from long defunct enterprises stood like ghosts on either side of our dream. A herd of rusting cars grazed the lot behind ours.*

*We stripped our small building to its bones, opening just in time for Christmas. We underestimated the challenge of business in this diminutive rural town. A long winter stretched into a long hard year. While our business slowly grew, our savings quickly shrank.*

*The following year, 1996, President Clinton invoked the Antiquities Act to proclaim the Grand Staircase-Escalante National Monument. It was controversial at the time and, clearly, remains so.*

*Still, in the couple decades since, I have witnessed positive outcomes for our business, our community, and the myriad visitors from around the world that gather here in awe. Now, you can have your car serviced in the garage next door, you can stay in the three-story hotel that replaced the old bakery. Two additional four-story*

*hotels have opened down the street, and another is under construction. You can breakfast at our delightful new bakery. In fact, several new restaurants are thriving, but you will need a reservation—inconceivable 20 years ago. Come morning, a host of outfitters will offer to show you the Grand Staircase.*

Over 120 guides hold permits on the Grand Staircase-Escalante. Utah's outdoor recreation provides 110 jobs that depend on protected public lands. Jobs tied to the monument can't be outsourced.

Our monument created a diverse spectrum of revenue flows, extending well beyond travel and tourism. It provided an extraordinary quality of life. People choose to retire in the area or keep a second home. Some are entrepreneurs or work remotely. This activity increased property values as well as incomes.

Visitation is exploding. A million people stopped in the visitors centers last year, while countless others visited the monument independently. In the town of Escalante, transient room taxes increased by 24 percent year to date.

The chamber of commerce representing Boulder and Escalante have been vocal advocates of monument. In Kanab, a town of 4,000, businesses organized a rally that drew 400 citizens.

The destruction of our monument threatens our economic future. The stroke of a pen reduced our monument by half, severed it into fragments, and diluted protections. The Utah delegation is bent on prioritizing grazing and mineral extraction. We are offered a national park and preserve. It is like no other national park we know. It doesn't respect the Organic Act of 1916. It enshrines grazing and mandates hunting, an awkward mix with hikers and children. Four county commissioners and a state representative would dominate the management. This is unprecedented.

Those who would manage the public lands want a coal mine. The one proposed prior to the monument designation promised 360 double-trailer trucks through Kanab every day. That would damage the tourism economy and quality of life. Meanwhile, jobs in the solar industry far outnumber those in coal. Nor will grazing save us. Cattle ranching has great cultural significance in our communities, but it is a marginal enterprise in the high desert, which is why it is subsidized. Agriculture represents only a tiny portion of our region's economy.

America's national monuments are wildly popular, as the review comment period plainly shows. Most Utah citizens favor protection of their monuments. On the local level, Boulder, Escalante, and Kanab businesses submitted 80 letters to Secretary Zinke advocating for our monument. Kanab and Kane County public hearings drew crowds where the vast majority voice support. To attack national monuments batters our local economies and communities. It ignores the will of the American people, and this land belongs to all Americans.

To codify the unraveling of the Grand Staircase-Escalante National Monument is to disrespect that. To throw in a national park is to apply lipstick. Thank you.

[The prepared statement of Ms. Hand follows:]

PREPARED STATEMENT OF SUSAN K. HAND, GENERAL MANAGER, WILLOW CANYON  
OUTDOOR CO, INC.

Thank you for the opportunity to testify. I am Susan Hand, co-owner and manager of Willow Canyon Outdoor Company in Kanab, Utah. Our shop sells books, espresso, and outdoor gear.

I am wildly passionate about the magnificent landscapes that comprise my homeland in southern Utah. But that is not what I came to talk about. I'm here to talk about money, about resources and profit. I'm here to share with you what I've witnessed over the last 23 years, as a member of Kanab's business community.

To that end, I offer this excerpt from an Op-Ed piece I wrote as Secretary Zinke's review of our national monuments was just beginning:

*I dwell on the flanks of the Grand Staircase. I was drawn here like a bee to a blooming flower—attracted to the stunning landscape and the opportunity to make a living. With my husband and two small children, I settled in Kanab in 1994.*

*We purchased a dilapidated commercial property three blocks from a humble downtown. On one side, a shuttered garage cradled decades of junk. On the other was an abandoned bakery. Old signs from long-defunct enterprises stood like ghosts on either side of our dream. A herd of rusting cars grazed the lot behind ours.*

*We stripped our small building to its bones and created a shop to sell books, coffee, and outdoor gear, opening just in time for Christmas. We underestimated the challenge of business in this diminutive, rural town. A long winter stretched into a long, hard year. While our business slowly grew, our savings quickly shrank.*

*The following year, 1996, President Clinton evoked the Antiquities Act to proclaim the Grand Staircase-Escalante National Monument. It was controversial at the time—and remains so. Still, in the couple decades since, I've witnessed positive outcomes for our business, our community, and the myriad visitors from around the world that gather here in awe.*

*Now you can have your car serviced in the garage next door. You can stay in the three-story hotel that replaced the old bakery. Two additional, four-story hotels have opened down the street, and another is under construction. You can breakfast at our delightful new bakery. In fact several new restaurants are thriving, but you'll need a reservation—inconceivable 20 years ago! Come morning, a host of outfitters will offer to show you the Grand Staircase.*

*Meanwhile, the town ushered in a new hospital, school, library, and swimming pool. The Bureau of Land Management, which oversees the Monument, opened a visitor center and a comely administrative center.*

We can't know that my little town's economic success is a direct result of the Monument. But common sense, as well as research conducted by Headwaters Economics and the University of Utah, confirms that the Monument has not had an adverse effect.

On the contrary, economic studies reveal that such protected public lands are economic engines for nearby communities. The 1996 Monument designation brought a "diverse spectrum of revenue flows." Kanab's economic expansion extends well beyond travel and tourism. People choose to live near the Monument because of the extraordinary quality of life. Some have retired there, some keep a second home, some are entrepreneurs, and some are able to work there remotely. This activity has increased property values as well as incomes.

But if we want to talk about travel and tourism, Kanab has a long, rich tradition. Dave Rust, born in 1874, grew up in Utah to marry the daughter of Kanab's mayor, Dee Woolley. He embarked on a 33-year career as a guide and outfitter based in Kanab. Since then, travel and tourism have become the backbone of our economy.

Ranching is a charming bit of southern Utah culture, but grazing cattle on the high desert has always been a marginal enterprise, dependent on Federal subsidies. The allotments were scarcely changed by the Monument. To enshrine cattle grazing will not develop a strong economy.

How about the coal beds of the Kaiparowitz Plateau? The coal mine proposed prior to 1996 promised 360 double-trailer trucks through Kanab every 24 hours. Who wants that in their town? In the meanwhile, the market for coal has gone bust.

Now, our economic future is at risk. In fact the damage may already be underway. Whereas Willow's sales grew steadily over the last couple of decades, peaking in 2016, this year looks different. In the first 5 months of 2017, we had 6 percent

growth year-to-date; but since then our sales dropped by 4 percent as compared to the same period last year.

The downturn coincides with negative press generated by the monument review and Zinke's visit to Bears Ears and Grand Staircase-Escalante. Social media reveals that a boycott against Utah is underway. The public perception is that the Utah delegation and the current Administration have assumed a hostile attitude toward our state's national monuments—which were wildly popular.

Frustrated with the Utah delegation, the international Outdoor Retailer trade show, which branded our state as an outdoor mecca for the last two decades, has left Salt Lake City. We're worried about long-term repercussions.

Last year, we invested in a new front on our commercial building. We planned to remodel our espresso bar kitchen over the coming winter, but with the downturn in sales we've deferred that. We've also suspended plans to hire a new, full-time position—Community Liaison.

We don't feel that the excised monuments and proposed "national park" will ever replace the loss of the Grand Staircase-Escalante National Monument.

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Mr. MCCLINTOCK. Thank you for your testimony.

Our final witness is Ms. Vicki Varela. She is the Managing Director of Utah's Office of Tourism, Film, and Global Branding from Salt Lake City, Utah. Welcome to the Subcommittee.

**STATEMENT OF VICKI VARELA, MANAGING DIRECTOR, UTAH  
OFFICE OF TOURISM, FILM, AND GLOBAL BRANDING**

Ms. VARELA. Good morning, Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee. I am here to testify in support of H.R. 4558, establishing Escalante Canyons National Park and Preserve in south central Utah.

If you have been to Utah, you know that Mother Nature played favorites, providing us the greatest snow on Earth and spectacular red rock landscapes. This proposed national park features winding slot canyons, other worldly sandstone domes and plateaus, and pinyon-juniper woodland against shimmering palettes of red.

H.R. 4558 gives this area national park recognition that is long overdue. The bill protects these beautiful places in perpetuity for some of the best exploration and recreation on Earth.

The amenities offered in national parks, including trails, signage, transportation access, parking, and staff, will enable us to properly welcome visitors from Utah and all over the world. The designation will generate prosperity in an economically distressed region of our state.

Tourism is big business in Utah, generating \$8.4 billion in spending last year, and creating more than 144,000 jobs. This created household relief of \$1,226. The Mighty 5 promotion of our five national parks and the campaigns that followed are the most successful tourism marketing campaigns in Utah history, generating \$6.72 billion of economic benefits. We want to provide Garfield County and the surrounding region a larger share of this tourism prosperity, and also provide a welcome mat for other economic development.

An attractive place to visit is also a more attractive place to work or relocate a business. National park designation is the way to accomplish these community goals.

Escalante Canyons National Park and Preserve would be located at the midpoint of one of the most glorious roads on Earth, the All American Road: Scenic Byway 12. Two of Utah's five national

parks bookend this scenic byway: Bryce Canyon to the southwest and Capitol Reef to the northeast. This 122-mile ribbon of road with a new national park in the middle will be an unparalleled triangle of adventure and discovery in the heart of south central Utah.

Utah's economy ranks among the best in the Nation, but we have a silent recession in many rural communities. Young people are fleeing the towns where they grew up. They can't find work or community to sustain them. Governor Gary Herbert has called on Utahns to work together to create 25,000 jobs in rural Utah by 2020. Escalante Canyons National Park and Preserve is a missing puzzle piece to create many jobs.

You may wonder why we aren't already promoting this area. Well, we do feature a limited set of destinations and recommendations on our website. The lack of funding for BLM staff, signage, and visitor amenities as simple as restrooms have made it impractical to promote. To put it simply, it is not safe for many visitors.

National park status and all the amenities that come with it is an important tool for making the landscape more accessible. Establishing this new national park will also distribute demand from national parks that experience seasonal constraints and overcrowding. It will spread out the love.

It is important to note that our national parks are severely underfunded. Utah's Zion National Park had a 60 percent increase in visitation since 2010, paired with a 3.7 percent funding cut. That is not tenable. While national park status will dramatically improve investment in the area, it is essential that national park funding also be restored. I know this is important to Congressman Stewart and others. I look forward to seeing long-term investment restored to protect national parks for generations to come.

In summary, investing in our landscapes for visitation is a path to jobs and vibrant communities. These communities deserve to have their children stay in the community where they were raised. The Escalante Canyons National Park and Preserve is the breakthrough to make this happen.

[The prepared statement of Ms. Varela follows:]

PREPARED STATEMENT OF VICKI VARELA, DIRECTOR OF UTAH OFFICE OF TOURISM

Good morning, Chairman McClintock, Ranking Member Hanabusa, and members of the Subcommittee. My name is Vicki Varela. I am the director of tourism, film and global branding for the state of Utah. I am here to testify in support of H.R. 4558, establishing Escalante Canyons National Park and Preserve in south central Utah.

If you have been to Utah, you know that Mother Nature played favorites, providing us with The Greatest Snow on Earth® and extraordinary red rock landscapes. This proposed national park features winding slot canyons, other-worldly sandstone domes and plateaus, and pinyon-juniper woodland against shimmering palettes of red. H.R. 4558 gives this area National Park recognition that is long overdue. The bill protects these beautiful places in perpetuity for some of the best exploration and recreation on earth. The amenities offered in national parks—trails, signage, transportation access, parking and staff—will enable us to properly welcome visitors from all over the world. This designation will generate prosperity in an economically distressed region of our state.

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Escalante Canyons National Park and Preserve would be located at the midpoint of one of the most glorious roads on earth—the All-American Road: Scenic Byway 12. Two of Utah's five national parks bookend this scenic byway—Bryce Canyon to the southwest and Capitol Reef to the northeast. This 122 mile ribbon of road—with a new national park in the middle—will be an unparalleled triangle of adventure and discovery in the heart of south central Utah.

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It is important to note that our national parks are severely underfunded. Utah's Zion National Park had a 60 percent increase in visitation since 2010 paired with a 3.7 percent funding cut. While national park status will dramatically improve investment in the area, it is essential that national park funding also be restored. I know this is important to Congressman Stewart and the rest of you. I look forward to seeing long-term investment restored to protect national parks for generations to come.

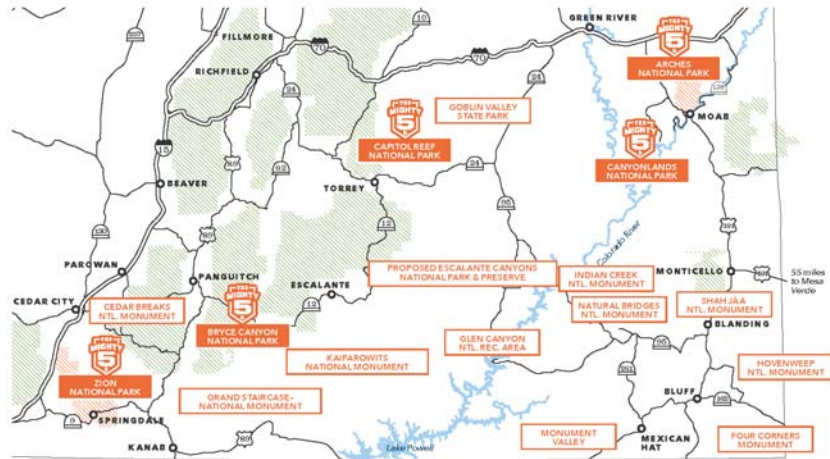
In summary, investing in our landscapes for visitation is a path to jobs and vibrant communities. Tropic, Cannonville, Henrieville, Escalante, Boulder, Grover and Torrey all deserve a bigger share of Utah's economic prosperity. They deserve to have their children stay in the community where they were raised. The Escalante Canyons National Park and Preserve is the breakthrough to make this happen.

Thank you again for the opportunity to offer input, and I'm happy to answer any questions.



## ATTACHMENT

## GEOGRAPHIC CONTEXT



Map of southern Utah, showing Utah's national parks, national monuments and Monument Valley Navajo Tribal Park.



The iconic "hogback" formation on All-American Scenic Byway 12, connecting Capitol Reef National Park and the gateway town of Torrey to Panguitch, near Bryce Canyon National Park.

## UNIQUE CHARACTERISTICS OF THE ESCALANTE CANYONS NATIONAL PARK AND PRESERVE

### ALL-AMERICAN SCENIC BYWAY 12

All-American Scenic Byway 12, from Torrey to Panguitch traverses the aspen groves and timbered flanks of Boulder Mountain to the iconic hoodoos of Bryce Canyon National Park. The route is considered one of the most scenic drives in the United States due to its beauty, variety of terrain and unforgettable "hogback," a sandstone ridge the width of the highway that drops away quickly on either side.

### LOWER CALF CREEK FALLS

One of the iconic and most heavily visited destinations in the area is Lower Calf Creek Falls. The falls are accessed by a 6-mile, moderately strenuous round-trip hike to a stunning 126-foot waterfall at the end of a box canyon.

### WILD AND OPEN SANDSTONE BACKCOUNTRY

For experienced outdoor recreationalists (hikers, canyoneers) there is a high concentration of slot canyons and sandstone domes — wilderness on a grand scale. The landscape is distinctive, unique and unforgettable. Most of these areas are currently only available to visitors with high-clearance 4WD vehicles, ample supplies strong backcountry skills and experience.

### PALEONTOLOGY AND DINOSAUR DISCOVERY

To the south, the Kaiparowits Plateau has become a hotbed of paleontology. 90 million years ago, the area was the lost continent of Laramidia, an island of land separated by a shallow sea where dinosaurs, crocodiles, turtles and plant life evolved isolated from other species. Just as Australia has a proliferation of unique animals today, Laramidia contains species found nowhere else on earth. Though these fossils were featured in a recent article of National Geographic and can be seen in the Natural History Museum of Utah, there are few destinations within the monument for visitors to experience this rich dinosaur history, despite significant interest.

### DARK SKIES AND ASTRO-TOURISM

This area is home to some of the country's darkest night skies. To experience a moonless night and a sky filled with stars is truly an awe-inspiring moment. Nearby Capitol Reef National Park is an internationally certified gold-level Dark Sky Park. Utah has an abundance of certified Dark Sky Parks, making the state a top destination for visitors wanting to experience the true wonder of a starry night.

### HUMAN HISTORY AND CULTURE

Human history in the Grand Staircase area extends back 13,000 years, with evidence of agriculture in the area dating back to 1,000 B.C. The northeastern part of the Grand Staircase area was inhabited by the Fremont peoples until 1,200 B.C. Later, the southern Paiute inhabited the area. Pottery, petroglyphs and granaries remain visible today.

In 1879, an expedition of approximately 250 Mormon pioneers left Escalante with instructions to settle the San Juan Mission (present day Bluff). The Hole in the Rock expedition of 1879 was an extraordinary feat of courage and fortitude to venture across rugged and unknown terrain to reach their destination. The Hole In The Rock Road, referenced in this legislation, follows the pioneers' path to reach the San Juan Mission via a steep and narrow notch through Comb Ridge. What was originally planned as a six-week expedition required six months due to challenging terrain, navigation and weather.



QUESTIONS SUBMITTED FOR THE RECORD BY REP. HANABUSA TO VICKI VARELA,  
DIRECTOR, UTAH OFFICE OF TOURISM

*Question 1. Does the Utah Office of Tourism work directly with tourism boards and chambers of commerce that represent the region affected by this legislation?*

*1a. If so, please describe the nature of your relationship with these organizations?*

Answer. The Utah Office of Tourism collaborates and welcomes input from regional tourism partners and chambers of commerce. There is no formal reporting system or methodology for collecting feedback.

*1b. Do the local tourism boards in the area impacted by H.R. 4558 support this bill and the effort to dissolve Grand Staircase-Escalante National Monument into three separate and smaller national monuments?*

Answer. There is not a consensus. There is some enthusiasm among tourism organization in the area, while other entities would prefer to retain the original monument boundaries.

*Question 2. In the testimony provided to the Committee, you support the establishment of a new national park unit because it would bring infrastructure, signs and other improvements that BLM has not provided. Your testimony also points out that there has been a 3.7 percent budget cut to Utah's National Parks, while visitation has risen. President Trump's FY 2018 budget proposed cutting all Department of the Interior agencies by 10–13 percent, with the National Park Service facing a cut that would eliminate over 1,000 staff positions. Do you support President Trump's proposed 10 percent cut to the National Park Service?*

Answer. I oppose cutting the national parks budget. The Utah Office of Tourism is actively engaged in trying to increase funding for national parks. Zion National park has experienced a 60 percent increase in visitation over the last 5 years, concurrent to a 3.7 percent budget cut. Protecting the quality and safety of the national park experience requires increased investment in operations and infrastructure.

*Question 3. Do you support cutting funds from other national park units in Utah to support the new park established by H.R. 4558?*

Answer. No.

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Mr. MCCLINTOCK. Great. Thank you very much.

I want to thank all the witnesses for their testimony. Normally, we go in seniority order here on the Subcommittee, but those lists are modified by the Majority and the Minority, depending upon the circumstances, and we will do that in this case. I will begin by recognizing Mr. Stewart for 5 minutes.

Mr. STEWART. Thank you, Mr. Chairman. You are very gracious in allowing me to do this. And to the Members, thank you for giving me some time.

I would like to hit a couple of things just very quickly. I am aware that votes are coming and we do need to go quickly.

Ms. HAND, I would to address a couple of questions to you, if I could. Are you aware that there are national parks that allow for grazing at this time?

Ms. HAND. Yes, I am.

Mr. STEWART. Do you know how many?

Ms. HAND. I don't know how many. I know there are some.

Mr. STEWART. It is about 20.

Ms. HAND. OK, thank you.

Mr. STEWART. And are you aware that there are some that also support hunting?

Ms. HAND. I am aware of preserves, park preserves that do that, yes.

Mr. STEWART. Would you suggest that we would repeal those hunting and grazing rights in those parks that now allow for that?

Ms. HAND. I would not necessarily, but I think it is a bold move to—

Mr. STEWART. Why is this any different?

Ms. HAND. May I finish, please?

Mr. STEWART. Yes.

Ms. HAND. I think it is a bold move to suggest this park and preserve without the attending maps. It is difficult to comment, to tell you the truth, on the specifics, but I do know the area of Calf Creek, I have hiked there, my son broke his foot at the waterfalls. I remember it very well. The landscape there is a very broken one,

a very challenging terrain. So, to imagine how you put hikers, hunters, and trapping all in the same area is a bit of a challenge. I think the management will be difficult.

Mr. STEWART. I think it is possible. I agree with you, some of this area is challenging, but we have done it in other parks. I think we can certainly do it in this. I am glad that you would not suggest repealing it where this access granted in these other parks.

Your primary interest is in tourism. Is that true? Your own personal financial interest?

Ms. HAND. My personal financial interest is in tourism, although we also sell books and espresso at our store.

Mr. STEWART. OK. Do you have any employees?

Ms. HAND. I do. We employ seven people.

Mr. STEWART. And would you mind telling us how much you pay your employees?

Ms. HAND. Our pay scale ranges from \$10 to just over \$20 an hour.

Mr. STEWART. OK.

Ms. HAND. We do have benefits, health benefits for full-time employees. We also have a simple IRA retirement plan for them, and they all earn sick and vacation leave.

Mr. STEWART. And are any of them seasonal employees?

Ms. HAND. No. They are all permanent employees.

Mr. STEWART. So, at \$10 an hour, that is roughly \$20,000 a year. Can you raise a family on \$20,000 a year?

Ms. HAND. I would turn that question back to you and ask you to reflect on the minimum wage, I think. We are trying to stay ahead of that.

Mr. STEWART. OK. My point is that the claim is often made, and again, I want to emphasize, I support tourism. That is why we have Vicki here. We are proud of tourism. We want you to do well.

Ms. HAND. Uh-huh.

Mr. STEWART. We want you to have 100 employees, but the reality is, as I stated in my opening statement, it is very difficult to raise a family in a tourism industry. There are a few people who do really well. The owners, primarily. Many of them are seasonal. The vast majority of them are seasonal. And the point is, the perception is often made, well, if we just offer tourism and everything is great down there and these families do well. They don't, because the vast majority of them can't make a living in a tourism industry.

Ms. HAND. One of the—

Mr. STEWART. So, I would ask you, I will get to my question now, why would you object to fostering tourism through the creation of a national park?

Ms. HAND. I want to say that the outdoor industry is much bigger than retail shops like mine. In Utah, we have companies like Black Diamond, Petzl, Klymit, Chums, EK, Imlay Canyon Gear, Kuhl, Dowson, and many others that I don't have time to name. These are not retail jobs, these are manufacturing jobs.

Mr. STEWART. But they are not located in this area.

Ms. HAND. They are not located in this area, but these public lands do support those jobs, 110,000 jobs in Utah.

Mr. STEWART. But we are talking about the local community. And I am asking—

Ms. HAND. And if we talk about the local community, what I would say is one of the biggest problems our local community faces is that the drive to sustain tourism has led many people in our community to transfer their properties from rental properties into vacation rental properties, short-term rentals, so there is a housing shortage in our area, and our construction business is being driven by that, but it is not keeping up with the demand.

That is one of the problems that those wages do create a problem for.

Mr. STEWART. OK. I appreciate that. My time is almost up. I would like to just be clear. You support the tourism industry, you are asking us to encourage that, and yet you are opposing the creation of a national park. Is that true?

Ms. HAND. I oppose the creation of a national park as described through this bill, undoubtedly. I will be very solid on that.

Mr. STEWART. And the reason is?

Ms. HAND. The reason is I feel that this codifies an inappropriate decision and one that puts at risk an economy that has come to rely over more than two decades on the Grand Staircase-Escalante National Monument.

Mr. STEWART. OK. Again, we are trying to help you, we are trying to create more tourism, not less.

Mr. Chairman, thank you for yielding. I appreciate it.

Mr. MCCLINTOCK. Thank you.

Next on the Minority's list is Mr. Gallego.

Mr. GALLEGO. Thank you, Mr. Chair.

And to begin, Representative Stewart, I will gladly have you jump on my minimum wage increase bill if you are interested in minimum wage for our workers.

To begin with, I have a question for Mr. Pollock. Mr. Pollock, you are the Chairman of the Garfield County Commission. Is that correct?

Mr. POLLOCK. Yes, sir.

Mr. GALLEGO. In your testimony, you state that local management is better than national management because you can protect the resources better. Can you share with us what qualifications you believe or your management team believe has to manage a national park?

Mr. POLLOCK. I will give you one example—and by the way, Bryce Canyon National Park, when you talk about tourism, that is 35,000 acres. You still have a national monument, basically, that you control that is over 1 million acres. And I want to make that point.

To get back to your question, yes, I will give you one good example. A lot of this land needs to be recovered. Sage grass, that has been a threatened species. Everybody knows about sage grass. Did you know we cannot do projects to recover the habitat for that species within the old boundaries of the monument? We cannot do recovery projects. That is a classic example.

About 100 yards across the street, basically, we are doing recovery projects on BLM rangeland. These projects that are happening on BLM rangeland are happening in the same building that the monument is managed in. They are the same people. And as far as anything changing, you are just changing the management from

BLM monument staff to BLM Kanab field office staff. So, for us to work with those folks, absolutely. I work with Harry Barber all the time on a local basis to do good recovery projects.

Mr. GALLEGO. Thank you. Since you are familiar with the National Park Service, I am sure you agree with the NPS under the Organic Act that does not manage for multiple uses. In fact, this is the very thing you are railing against in your testimony, or have railed against, I should say. The NPS mission is to protect wildlife and the resources, exactly these protections that H.R. 4588 takes away.

To move on to another question, you told us that your county does not have the money to manage the lands within the 1996 monument boundary. Is that correct?

Mr. POLLOCK. Those are Federal lands. We cannot manage them. They are managed by the monument staff.

Mr. GALLEGO. But you will somehow have the money to manage them once they are outside that boundary.

Mr. POLLOCK. We are not going to manage them, we are going to have input on the management. We work with the people that manage them.

Mr. GALLEGO. Maybe I misunderstood what you had said earlier about the responsibility.

Mr. POLLOCK. Yes, you did, because I will tell you, we work with the people that work for the BLM on a local level. That's government-to-government cooperation.

Mr. GALLEGO. If this bill moves forward, the management will be turned over to whom? The counties and under a management council system. Is that correct?

Mr. POLLOCK. Well, you can interrogate me all day long, but I will tell you just like this, flat out, we can manage those lands a lot better than they have been managed.

Mr. GALLEGO. Well, this is actually not an interrogation. If this bill moves forward, management will be turned over to the counties under a management council system. Is that correct?

Mr. POLLOCK. Absolutely.

Mr. GALLEGO. OK. How much money does your county have in the budget to manage three monuments and a national park unit?

Mr. POLLOCK. We would not be managing those lands. Your BLM, the government's BLM and the Park Service would be managing them. The county would not be managing the lands. That is like saying, do you want to transfer me that land? Do it right now, transfer me that land and I will manage it, I will tax it.

Mr. GALLEGO. The management shall develop and implement the comprehensive——

Mr. POLLOCK. Well, let's get back to that question for a minute. If you are talking about management——

Mr. GALLEGO. I am reclaiming my time, sir. The management council shall develop and implement the comprehensive management plans for the Escalante Canyons National Park and Preserve. What does that mean when the management council shall develop and implement the comprehensive management plans? That sounds like the local management organization.

Mr. POLLOCK. OK. But who owns the land? You do, the BLM does. If you want me to manage them and bear the burden of the

cost, transfer them to Garfield County, we will take them. I will tax those lands.

Mr. GALLEGO. But, sir, we are talking about the actual text of the amendment, and the text of the amendment says——

Mr. POLLOCK. Well, we are talking about reality here. The reality is the Bureau of Land Management is the one that is going to bear the burden of the cost.

Mr. GALLEGO. We are moving on here.

Sir, does Garfield County receive PILT payments to carry out vital services such as research, rescue, road maintenance, and other kind of services?

Mr. POLLOCK. Pennies in lieu of taxes?

Mr. GALLEGO. Yes.

Mr. POLLOCK. Are you kidding me? On that land, it is actually pennies.

Mr. GALLEGO. How much do you receive?

Mr. POLLOCK. It is not a payment.

Mr. GALLEGO. Answer the question, how much do you receive?

Mr. POLLOCK. About \$830,000 a year.

Mr. GALLEGO. \$893,189.

Mr. POLLOCK. Roughly, give or take, so what is your point?

Mr. GALLEGO. Mr. Pollock, you claim that there is no local voice when it comes to management of the Grand Staircase-Escalante National Monument. But isn't it true that there is extensive local planning that went into the 1999 management plan that did include or did not disinclude a creation of the monument advisory committee, a committee that you have served on since?

Mr. POLLOCK. I am glad you brought that up. There was input, but since then, OK, where did the 12 heartbeat rule come from? Do you understand that rule? Let me tell you what that rule is.

On 64 percent of the Grand Staircase, the old Grand Staircase National Monument, you can only have 12 horse—well, 6 horse heartbeats and 6 cowboys, 64 percent at one time. That was never in the original plan. That was made up by the monument staff. OK, 12 heartbeat rule.

Mr. MCCLINTOCK. I am loathed to interrupt this, but unfortunately, the gentleman's time has expired.

Mr. GALLEGO. Thank you. I yield back.

Mr. MCCLINTOCK. The Chair recognizes Chairman Bishop.

Mr. BISHOP. This is frustrating. Let me try to get some clarity to what you are talking about because you are using the same word but you are using it with different definitions.

Mr. Pollock, if there is a management team, you will come up with a management plan, that is how it will develop, correct?

Mr. POLLOCK. That is correct.

Mr. BISHOP. Will you actually, as a county, then run that plan, or will the BLM run the plan?

Mr. POLLOCK. The BLM will bear the burden.

Mr. BISHOP. The BLM will also fund the plan?

Mr. POLLOCK. Absolutely.

Mr. BISHOP. So, when you are talking about management plan, you are talking about coming up with the rules of engagement of how the monument will be run. You will not actually be running

it. The Federal Government will still be running it. And the Federal Government will still be paying for it.

Governor Leavitt, when this was originally established, there were 377,000 acres of SITLA lands within the Grand Staircase-Escalante National Monument. Were they actually covered in the proclamation that President Clinton did?

Mr. LEAVITT. Mr. Chairman, on the day before I pointed this out to the President's chief of staff, who made it clear that that had not been contemplated, they were not aware of that.

Mr. BISHOP. How long did it take you to work out a deal with the administration to try to manage or try to account for those acres that were put in there by a proclamation?

Mr. LEAVITT. It was a matter of years.

Mr. BISHOP. At least 2 years, over 2 years. If this had been done by congressional action or if this had been done by the administration working with the state of Utah, would you have solved these problems ahead of time?

Mr. LEAVITT. They certainly would have been solved in principle, and it would have happened much more quickly and much more efficiently.

Mr. BISHOP. If this new monument is created, Commissioner Pollock, it will be right outside the town of Escalante. Is Escalante the town that has the greatest financial problems going forward within your county?

Mr. POLLOCK. Yes, sir. Yes.

Mr. BISHOP. Is Kanab farther away from this new monument area than like Panguitch or Escalante in your county?

Mr. POLLOCK. Yes, Kanab is down on the southern end of it.

Mr. BISHOP. So, Vicki, let me ask you. When people do tourism down in Kanab, because I go through there a lot and I spend money, but I am always going to Lake Powell. Kanab is also the closest drop-off point to the North Rim of the Grand Canyon. So, in your estimation, if there is economic development taking place in Kanab, can it all be related to the Grand Staircase or is some of it going to Lake Powell, or is some of it going to the Grand Canyon?

Ms. VARELA. A big part of Kanab's tourism economy is also driven by Zion National Park. Certainly, there would be some that would be related to this region, but most of it would be the areas that you have highlighted, as well as Zion National Park.

Mr. BISHOP. Yes. And, Ms. Hand, to be honest, you can pay your employees what you want to, regardless of what the minimum wage is. Pay them more money. Governor Leavitt, let me come back to you. Is this designation of the national monument done in Grand Staircase, is this a one and done, or has this happened since that time as well?

Mr. LEAVITT. It has been used repeatedly over the course of time in many instances.

Mr. BISHOP. This Committee has passed out a CAP Act, which tries to put an established process that would guarantee, depending on the size, there would be public involvement before the designation, and conversely, if you are going to rescind or downsize, there would be public involvement in that as well. Do you think that is a wise use of our time and energies?



Mr. LEAVITT. I know of no other circumstance where public acts are created, other than The Antiquities Act, where it is not required, and where it is not carried out. The Antiquities Act is unique, it is wrong, it is not democratic, and it needs to change.

Mr. BISHOP. Thank you. I would do one other thing for the panel here. Oftentimes, as we had this miscommunication of what the term management actually meant, there is also a miscommunication of the difference between a national park and a national monument. They are different entities. There are special interest groups out there that are trying to confuse that, as if one is synonymous to the other; they are not.

As we continue talking about what a park system can do, what the BLM to a monument system can do, they are totally separate entities and should be recognized as solely separate entities. And because I respect this Subcommittee so much, because I used to chair it, I have 30 seconds left and I am going to yield it back.

Mr. MCCLINTOCK. Thank you. The Chair now recognizes Mr. Lowenthal. The reason why we are going out of order, by the way, is in large part because of flight schedules and other concerns today. So, Mr. Lowenthal, 5 minutes.

Mr. LOWENTHAL. Thank you, Mr. Chairman. This question is for Governor Leavitt. And, first, I want to thank the panelists for coming and traveling all the way from Utah to Washington. I hope that is not calling us to vote.

I want to understand, there have been a lot of issues that have been raised about the initial legality and the process under which President Clinton had done this, and there were questions that had been raised in this hearing. I want to make clear that right after he issued the proclamation Executive Order, we are aware that in the 105th and 106th Congress, that Congress ratified these new boundaries. It talked about buying out and provided resources to buy out the mineral interests. And, Governor, that you signed the land exchanges between the state and the Federal Government, pursuant to the Federal law that was passed, and that the Federal courts have dismissed all claims about the legality, especially in 2004 the Federal District Court in Salt Lake City upheld the legality of this and dismissed all claims challenging the legality of the courts, and that has been upheld in the appeal courts also.

So, my question to you is, if there were all these questions about legality, what did President Bush do about this? He followed. Why are we waiting all these years later?

Mr. LEAVITT. Congressman, I don't think for a minute that you would defend the level of secrecy that was used in enacting public policy in the context of the Grand Staircase.

Mr. LOWENTHAL. Thank you. I realize you raise issues about that, but I am just talking about the overall legality of this and the challenges in the courts you are aware of, and the signing, that we must assume for all the courts, that there may have been problems in the process that you have raised, but this was legally done under The Antiquities Act. And the Congress has done it by ratifying those boundaries, and the courts have upheld it. Is that not so? That is all I am saying.

Mr. LEAVITT. I acknowledge that some 8 years later and some 8 years of litigation, the court did conclude that the President was within his rights as the Chief Executive to use the Antiquities Act.

Mr. LOWENTHAL. That is right.

Mr. LEAVITT. Thus, I have argued that The Antiquities Act ought to be changed.

Mr. LOWENTHAL. Well, that may be true, and I respect that opinion. But there have been lots of issues thrown out here that this was done for political reasons, it was not legal, it overextended his boundaries and the courts have decided, and the Congress right after that, have already said that is not true.

Mr. LEAVITT. It is hard to argue that this was not done for political purposes, that has become evident.

Mr. LOWENTHAL. We are politicians. Everything is done for political purposes. We appreciate that question, and I grant you your right.

Mr. LEAVITT. You asked, Congressman, about the Bush administration?

Mr. LOWENTHAL. Yes.

Mr. LEAVITT. The Antiquities Act was used in the Bush administration. However, there was substantial public input in the process. I recognize today is not the day to talk about The Antiquities Act, but I am here because this is unfinished business for me. I am no longer a public servant, but this needs to change.

Mr. LOWENTHAL. But those questions were raised in the Federal court and the Federal courts did not say they were violated.

Mr. LEAVITT. Well, no, but the Federal courts act as a matter of interpreting existing law, and I am here arguing that bad outcomes come when things misuse appropriate language. This was bad policy, and I think what the President recently did was enacting a separate policy. And this Committee, by this hearing, will have exceeded in proportion any public process that went into the Grand Staircase.

Mr. LOWENTHAL. I think the courts will have to deal with that issue. You are right. Whether in fact the President, or a subsequent President, has the right to change previous actions in terms of massive change of land for both monuments and other Federal lands, and I think that will be a question that the courts—

Mr. LEAVITT. I am sure it will. And my point, and I think we would agree, that in the halls of Congress we ought not to be arguing so much about process and we ought to be arguing more about policy. And the President of the United States, in this case, changed a policy.

Mr. LOWENTHAL. And the Congress agreed with the President, and the courts agreed with the President.

Mr. LEAVITT. But this Committee is now considering, in a very public and organized, thoughtful way, whether or not lands ought to be used in a particular way.

Mr. MCCLINTOCK. Thank you. We have been called for votes. There are 10 minutes remaining on that clock. That will give us time for one more round of questioning, and that will be done by Mr. Tipton.

Then we will recess.

Mr. TIPTON. Thank you, Mr. Chairman. I thank the panel for taking the time to be able to be here today. I do have to take one issue with Ms. Varela's comment on Utah having the best snow on Earth, I think that is in Colorado. But I appreciate you being here and your passion on tourism, it is important for the state of Colorado as well.

I have admired Utah's program of what you labeled as the Mighty 5. Was there a marketing advantage for you being able to say, we have this great portfolio of parks for you to be able to visit? Would it enhance, as I read Congressman Stewart's bill, to be able to create three more monuments, another national park. You would be the Mighty 6, and be adding monuments. Would you see that as a plus-up in terms of being able to create economic development for the communities that probably need, from what it sounds like down in the areas around Kanab, over in Escalante, to be able to help those communities?

Ms. VARELA. First of all, thank you for the question. I will continue the discussion with you afterward about the greatest snow on Earth. But to your question, yes. The Mighty 5 campaign has been nationally recognized as a break-through campaign that differentiated Utah in a profound way. That has lead to the most successful years of marketing and economic benefits that the state has ever experienced from tourism.

And, yes, having another national park, particularly in this remarkable area, would be a huge boon to our economic development strategy. The elegance of this is that it is a combination of this remarkable asset that has not really been accessible for many years, and a remarkable need in these local communities that we have talked about that have so much economic distress.

This ribbon of road, 122 miles of the most beautiful road on Earth, that the brilliance of proposing this national park right in the heart of that road gets me really energized about the marketing potential for the next wave of Mighty 5, whether it is Mighty 6, and we have a lot of other ideas that I will not belabor right now.

Mr. TIPTON. For the clarity of the benefit, perhaps, of approaching it as Congressman Stewart's bill would, each of these areas does have unique and distinct characteristics that you would be able to individually market, but then collectively package in terms of promoting tourism and creating jobs?

Ms. VARELA. Yes, that is right. And Susan has made some very good points, and I would like to respond to one of them, which is that you want every national park to have a unique offering, to reflect the local community, its heritage, its history, and the unique things that are available in that area.

Some examples of what we would highlight around this national park would certainly be our dark skies. Utah has some of the best dark skies on Earth, and we are now being recognized for that.

Dinosaur bones. Paleontology. There is history of 90 million years of dinosaur bones, some of the best findings on Earth. Native American artifacts. Great Mormon heritage. The Hole-in-the-Rock Road that goes through the proposed national park, is a road that Mormon pioneers travel as they established themselves in the area.

Mr. TIPTON. Great. Thank you.

Ms. VARELA. I just want to make one more point to Susan's question, there would be a front country that might be very accessible, and perhaps a back country, where it would still be accessible to backpackers and other uses. But that is the beauty of it, being able to design exactly what this should be for this region.

Mr. TIPTON. Great. Thank you. Commissioner Pollock, we have heard many of the same comments that you have made, particularly with regards to sage grass management in the state of Colorado as well. I think you provided clarity, as did the Chairman as well, in terms of the actual role that the commissioners would be able to play. Can you maybe describe a little bit of the distinct benefit that you would bring in terms of developing that plan?

Mr. POLLOCK. Absolutely.

Mr. MCCLINTOCK. Actually, this is going to have to be a yes or no answer, and the rest will have to be in written response.

Mr. TIPTON. If you can do that for the record, we would certainly appreciate it.

Mr. POLLOCK. Yes, sir. Thank you.

Mr. TIPTON. Thank you all for taking your time.

Mr. MCCLINTOCK. Thank you. I want to apologize to our witnesses, we have been called to votes. There are 5 minutes remaining on the first vote. I think there are four in this series. We would expect to have those votes concluded by about 11:25. It is an occupation hazard around here, it happens, so we will have to recess the hearing until votes have concluded at about 11:25. I thank you for your indulgence and patience.

[Recess.]

Mr. MCCLINTOCK. The Subcommittee will reconvene. I, again, want to apologize to our witnesses for taking up almost an hour of your time on votes, but as I said, it is what we do around here.

The Chair will now continue questions of the panel, and resume with the Ranking Member, Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair. I join in the Chair's comments to you, we apologize for the delay. My questions that I would like to begin with are, of course, with Ms. Hand.

Ms. Hand, you said you moved your family to Kanab—is it Kanab or Kanab?

Ms. HAND. Kanab.

Ms. HANABUSA. Kanab. Two years before President Clinton's proclamation. You gave us a description by reading your Op-Ed about what it was like when you moved there, and, of course, how it is today.

I was just curious, what was the economic base before you moved there that resulted with no service repair shops and everything closed down? What was the economic engine for Kanab before that?

Ms. HAND. One unfortunate thing that occurred just about the time that we moved to Kanab is that there was a lumber mill that was cutting trees on the North Rim of the Grand Canyon area, the Kaibab Plateau, not within the park, but with the forest there, and that closed. They had used up the old growth forest that they were allotted and never retrofitted to cut smaller trees, and therefore, closed down. That displaced about 200 families.

When we moved to Kanab, the largest employer in the county was the public sector, basically government work. The largest

private employer now in Kanab is the Best Friends Animal Sanctuary. When I moved to Kanab, they had 43 employees, but they now have over 500. So, they have experienced a tremendous growth, and have become a really important part of our economy as well.

I think their choice of—they live in upper Kanab, not live, but their sanctuary is placed in upper Kanab Canyon, and it is, again, a quality of life and placement for them, a delicious place to be for their operation.

Ms. HANABUSA. Would it be a correct statement that the economic base now is tourism related to the Grand Staircase?

Ms. HAND. Tourism related to the Grand Staircase and to the other protected public lands in the area. And I would emphasize that, actually, travel and tourism have a long rich history in Kanab. There is a biography written by Frederick Swanson about a man named Dave Rust, who was born in the 1800s, the father of his wife was the mayor of Kanab, and D. Woolley was his name, and the two of them set about developing eco-tourism in the early part of the last century before there were roads or anything really to support that. They went out on horseback or with pack mules and explored the area. Dave Rust did that for 33 years, so he began a long-standing tradition of eco-tourism and travel in the area.

Ms. HANABUSA. Let me ask you. Did you have a chance to participate in the initial management planning?

Ms. HAND. I did, yes, because there were numerous meetings held in the different communities that were open to the public, and I was actually very impressed with that process. I felt like it was a very safe environment for communication that was established by the BLM operating these meetings, and that they heard diverse voices, and they recorded what they heard in a public format.

And I felt like if you participated in those meetings or you wrote in your concerns by letter, that they were incorporating that. A really good example is that the monument—the public meetings that I attended, many of the people asked not to have this monument, which was the first managed by the BLM to be managed in a way similar to the Park Service where there are exclusive concessions and development within the boundaries, and instead, to allow the outside communities to develop their businesses to support that.

That is what we have done. That is how the BLM set it up, and I think it has worked very well for those communities.

Ms. HANABUSA. Thank you. Ms. Varela, I just have a quick question for you. Your testimony focused on the three parks that are being proposed with, I think you said your scenic Route 12 going through it. You did not take a position on the “reduction” in the Grand Staircase. Do you have a position on that?

Ms. VARELA. I am not the right person to speak on that issue. I have been on the periphery of land use issues my entire career. I would defer to people on both sides of that issue who have spent their entire working lives trying to solve that problem.

My experience, my expertise, is around tourism. As a result of that expertise, I have developed a really good working knowledge of our national parks. But I don't pretend to have expertise on

solving the larger, complex, land use issues that come when 65 percent of your land is owned by the Federal Government.

Ms. HANABUSA. Thank you. I yield back.

Mr. MCCLINTOCK. Thank you, General Bergman.

Mr. BERGMAN. Thank you, Mr. Chairman, and thank you to all of you on the panel who took the time to testify here today.

I would like, for the record, to get into the best snow on Earth contest, because living in the middle of the million acre Ottawa National Forest in the upper peninsula of Michigan and right next door to the Sylvania Wilderness area, I have snowmobiles, and I have them for two reasons: (1) primarily, in a worst case emergency situation, given the timing, that is our only way out; and (2) I like to ride on a beautiful sunny day, even though it is 40 degrees below zero—so just know that I am in on the snow contest.

As a kid growing up, I spent all of my time outside. I could still live outside. I am married to a lady who prefers to live inside, and I understand that, so we have indoor quarters here in Washington, DC. But as a boy scout, I had the chance to learn, live, and understand by traveling to some of the most beautiful parts of the country as a boy scout troop. My grandsons, who live in Northern California, are boy scouts, and they travel as well.

Mr. Pollock, could you expand on the restrictions that exist that prevent groups of 25 or more from recreating in the monument areas?

Mr. POLLOCK. Yes, sir. I will give you a good example. It doesn't matter what religion that you hold to, we are predominately LDS. We have similar programs to visit these areas. And down in the Hole-in-the-Rock area, a couple of years ago, we had an LDS youth activity where they were trying to take 30 or 40 individuals down into that area on the same type of trip, and they were forbidden from doing that. They were stopped from doing that, and all of that was canceled because of the 12 heartbeat issue. You cannot have more than 12 heartbeats in certain areas of the monument.

I will give you another example. When I was a kid, my dad worked for the Park Service, but I grew in Tropic, that is in the monument. Back then, we used to go down on horseback into what is in the monument now, down into a remote area, and that was traditionally like your boy scouts. That is where they kind of made sure that we were on the right track in life. That has been prohibited as well.

And that was not only a function of the local churches, but it was also a function that our good old local role models carried on for years. That was stopped. So, traditional uses, like what you are talking about, have been stopped.

Mr. BERGMAN. Not that I am putting words in anybody's mouth, but when you have the opportunity to experience a national monument, that is more of a didactic learning experience as opposed to when you can utilize a national park or even a wilderness area, that is an experiential learning for people of all ages, but especially the young boys and girls of our country, who in many cases did not have a chance to grow up in a small town or in rural America. That sense of actually not only seeing nature, but being involved with it and feeling it.

As part of that developmental portion of those very, very important years of, let's say, those early teens, with what we are proposing here, we are going to have more experiential learning, am I right, in going forward with what we are talking about here?

Mr. POLLOCK. Absolutely, sir. And not only that, a lot of that area, you have to realize, it is not like Bryce Canyon, back to what I said, 35,000 acres. That land mass was 2 million acres. A lot of that land is just regular rangeland that these young youthful folks you are talking about should be able to go out and experience nature, and go under the BLM rule of multiple use.

But the problem is, when you take that land and you create a single use type monument, and that is what it was in a lot of areas, no matter what you might hear, that is restricted. And that is nonsense to do that on this type of land.

Mr. BERGMAN. Thank you. I see my time has expired. I yield back.

Mr. MCCLINTOCK. Great. Thank you. Commissioner Pollock, Devils Tower was 1,200 acres. That was the first national monument of a natural phenomenon that was used under the Antiquity Act. This was 1.7 million acres. You testified that the vast bulk of this is simply open rangeland, is that correct?

Mr. POLLOCK. That is absolutely correct, sir.

Mr. MCCLINTOCK. And how many tourists come each year to visit this 1.7 million acres of open rangeland?

Mr. POLLOCK. Well, most of it they can't. They will come in a 2-wheel drive vehicle, a lot of folks rent a vehicle back east or from wherever, and that is inaccessible.

Mr. MCCLINTOCK. But my point is, I would assume that the major tourist destinations within the monuments are much more limited in their scope to essentially the territory identified in the Stewart bill, is that correct?

Mr. POLLOCK. Yes.

Mr. MCCLINTOCK. So, we are setting aside the tourist destinations within a permanent designation, but freeing up rangeland which really does not attract a lot of tourists. Is that essentially what we are doing?

Mr. POLLOCK. You are absolutely doing that and that is why I support this. You are doing the right thing.

Mr. MCCLINTOCK. So, we are not harming tourism. In fact, we are protecting tourism. But, at the same time, we are opening up the rest of this acreage to actual productive use.

Mr. POLLOCK. Absolutely. Not only that, tourism was restricted in a lot of that monument. I was told when I was voted in as a commissioner, by an assistant monument manager by the name of Sarah Slinger—I was trying to promote tourism at the time, by the way—and she looked at me, and said, "the monument was not created for tourism." If you go back and look, it was created for the check science study or something like that. Their plan was not to promote tourism. We are going to make tourism better. We are not against tourism.

Mr. MCCLINTOCK. What is the 12 heartbeat rule you have referenced several times?

Mr. POLLOCK. That is the remote areas. They have come up with that, it is not one part of the management plan that we can find, but these agencies that basically have their own agendas.

Mr. MCCLINTOCK. What is the 12 heartbeat rule?

Mr. POLLOCK. That means that if it is a dog, it has a heartbeat, you can only take that one dog.

Mr. MCCLINTOCK. This is what, per acre?

Mr. POLLOCK. No, on 64 percent of that monument, I believe the 12 heartbeat rule applies, without some sort of a special usage permit that you cannot get.

Mr. MCCLINTOCK. Well, General Bergman's point, if you had a scout troop of 13 people, that would not be allowed?

Mr. POLLOCK. Yes, and if you had a scout troop of 12 and they brought their dogs, that would not be allowed either. If they rode horses, then that would not be allowed. You cannot even take 12 of the scouts down if they are riding a horse. A horse is a heartbeat, according to this ridiculous rule that they made up.

Mr. MCCLINTOCK. Ms. Varela, are the tourist areas that are currently designated within the monument boundaries preserved under the boundaries of this new act?

Ms. VARELA. The monument is currently more of a drive-thru experience than a place that tourists can stop and visit and extend their stay. This legislation would create, of course, the national park that would guide the tourism experience. That would create signage.

Mr. MCCLINTOCK. In your view, would that enhance tourism?

Ms. VARELA. Yes. It would definitely enhance tourism.

Mr. MCCLINTOCK. Once again, we are not harming tourism with that bill, in fact, we are enhancing tourism. But we are also opening up vast acreage that has been set off limits for the enjoyment of the American people, and for the prosperity of the regional economy. Is that correct?

Ms. VARELA. Absolutely. That is a dramatic enhancement of tourism and a safer, more defined experience for visitors.

Mr. MCCLINTOCK. Commissioner Pollock, you termed PILT funding, pennies for dollars. Could you explain that?

Mr. POLLOCK. I think we just did the math, actually, after the question was posed to me. It is like 26 cents an acre, which is what PILT comes out to. I think Garfield County is 3.3 million acres of Federal land. It is like 26 cents an acre.

Mr. MCCLINTOCK. So, you would gladly trade the PILT pennies for the many dollars that these lands could generate for the economy, for the county, if you were treated the same way as most of the counties east of the Mississippi?

Mr. POLLOCK. It would make my trip worth it if I come back with that news, Congressman.

Mr. MCCLINTOCK. My time has expired. Do any Members want to do a second round of questioning? Great.

We have concluded with our questions. There may be additional questions that will be submitted to you, we ask that you respond in writing. We will keep the hearing record open for 10 days in order to receive them.

Mr. Bishop.



Mr. BISHOP. Governor Leavitt, let me ask one more, just as we leave here. As you look back on the history of how you were involved in this, is there, in your mind, a clearer way which this could have been done better to establish greater input and solve some of the problems before the declaration than after the declaration?

Mr. LEAVITT. Ironically, the first time I ever heard the word monument used, occurred probably 2 years earlier when I had a meeting with the Secretary of the Interior to lay out a plan or an idea for what we called the Canyons of the Escalante National Eco-Region. This was an original idea. The idea was to break the land down into different uses and to manage the land according to its best and most productive use.

It would have applied substantially more protection to the most pristine of the lands, more than is now extended. Yet, it would have kept lands that could have been used, as the Chairman suggested, in more productive uses to be used as such. That idea was rejected by him, but in the course of a conversation, there was a side decision between he and a member of his staff, and used the word monument. That did not dawn on me at the time. I had no idea that that is what they were discussing.

But to your point, if the state, local, and Federal Government had worked together to care for the land in a way that was focused on the land and its best use, it could have been done collaboratively, it could have been productive, and it could have been done successfully. As it is, we have had 8 years of litigation. We have now had 20 years of conversation, and we are continuing to visit it in a divisive way.

Could it have been done better? Absolutely. But it needed to be done in a way that did not involve secrecy, that involved the kind of hearing you are having today for that purpose.

Mr. BISHOP. Mr. Chairman, I appreciate that comment, and that is why I want to commend Mr. Stewart for the legislation that you have here. That is exactly the process we are trying to have, going ahead and doing it ahead of time so you solve problems first.

Vicki, you were talking once again about how we do a good marketing campaign in Utah on the Big 5, right?

Ms. VARELA. The Mighty 5.

Mr. BISHOP. OK, the Mighty 5—you don't do that well of a campaign. We are now talking about having maybe six that can be part of that campaign.

Those five come up to about 830,000 acres combined for all five of those. This would be coming down from 1.7 million acres to something that could be more manageable and could be part of that campaign.

I also want you to know, there is another potential we have up in the northern part of the state, so you can make this from six to seven. But as part of that campaign, if you are going to do anything in my area, one of the things to market has to be the other kinds of activities that are in that area.

If someone wants to come up to like Golden Spike, as a destination point, you also have to be able to say what other things are available. We have never been able to do that with Grand Staircase-Escalante.

I think what you were saying, if I have this right, is that by going through this process and his bill, we can actually come up with something that can be marketable, that can be useful, and you keep emphasizing the word safer, which will encourage people to actually see this and attend it. And let's face it, if there is a reason for this land to exist to be seen, it should be seen, and you should do things to incite people to see that.

I think I am hearing that coming from you at all times, that we can do better if we try to do it the right way. Bad process brings bad results. I think that is what happened in 1996. But this is a good process that could bring a good result. Am I mis-stating you at all?

Ms. VARELA. No. That is actually a very good summary. I will just add to that, that what you have just outlined is consistent with a strategy that I have just rolled out in the state for the vision for our next 10–20 years of Utah tourism. It is around quality visitation.

Offering up something to our customers that is different because it is in our beautiful landscapes, but also because we have thought through the visitor experience to make sure that it is safe, that it is unique, that it is designed consistent with what the local communities want to accomplish.

So, everything that we are talking about with the canyons of the Escalante National Park and Preserve is exactly aligned with that strategy.

Mr. BISHOP. Thank you. I would like to talk more to Mr. Bergman about Mackinac Island, but I am out of time.

You should realize, the second national park created was Mackinac Island, and we gave it back to the state of Michigan because you did better stewardship than we were doing. And it is still within the state of Michigan, isn't it?

Mr. BERGMAN. It is. And, the trivia question for Michiganders and anybody else, is Mackinac Island part of the upper peninsula or lower peninsula? And it is interesting, the rationale. By the way, just to set the record straight, it is part of the upper peninsula.

Mr. MCCLINTOCK. Yes, but after you have been to Lake Tahoe, you really don't care.

Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair.

Ms. Hand, in addition to ceding management control of the three new national parks and a purported national park, one that is being proposed, this bill continued a provision to transfer the Hole-in-the-Rock Road to the state of Utah, further advancing the deeply unpopular Federal lands transfer movement. Proposals like this that recently led the Outdoor Industry Association to move its annual trade show out of Utah. Outdoor recreation is big business in Utah, but it seems like Utah politicians are driving a wedge between the industry and the state.

My question to you is, how did you feel when the Outdoor Retailer Show pulled out of Utah because of what it perceived as its politicians' lack of support for public lands?

Ms. HAND. Well, I think that it was a great loss for Utah in a number of ways. The loss of the Outdoor Retailer Show was probably a \$50 million loss per year to the city of Salt Lake. But the

impact of Outdoor Retailer being in Utah for a couple of decades is much larger than that because Outdoor Retailer branded our state as an outdoor mecca. It has also given a very public black eye to our state and the state's outdoor industry, I think. There has been discussion of boycott on social media, and just in general, a lot of negative press generated by that withdrawal of Outdoor Retailer.

For me, personally, it is a loss because I have always really enjoyed taking my staff to Outdoor Retailer, and it will be much more expensive and less accessible to us now that it is in Denver. It is more than twice the driving time. It is not convenient or affordable to fly my staff, in all cases, from St. George, which is our nearest airport. It is a couple hours drive to get there, so I feel that they have lost an opportunity for enrichment, and that the cost of doing business for us has greatly increased.

Ms. HANABUSA. How do you feel that this bill further threatens Utah's outdoor recreation economy?

Ms. HAND. My sense is that people, in many cases, will see a new national park, and they think it is a great thing. But I think when they visit it, it may not be what they expected. And, this is not a national park similar to other national parks, or most national parks, that they visited in the West, so I think that it may prove a bit of a disappointment or create unexpected circumstances for visitors.

I think also that the negative press that is generated through the process of having the monuments torn asunder, while knowing that they are incredibly popular with American citizens, is damaging also. This is making a lot of headlines, it is in the news and people are aware of this issue.

Ms. HANABUSA. I think you were sort of asked a question similar to the one I am about to ask, and that is, do you think tourists would feel the same way about Bryce Canyon and Zion National Park if locals could hunt and graze their cattle in the middle of those national park units with basically no input from the National Park Service, because part of this would transfer it to the state?

Ms. HAND. I think it would certainly change the experience, and one of my concerns is that this could prove to be a slippery slope. How would this impact our parks? As Ms. Varela has brought up, the funding for our parks has been in steady decline, even while attendance has been steadily increasing. The attendance is very difficult to manage in some of our parks now, particularly in Arches National Park and Zion National Park.

Ms. HANABUSA. I think Ms. Varela's testimony was that it is probably put on us, that we are not funding the National Park Service sufficiently, so that is why there is a reduction in the "services that are being rendered." I assume that you have dealt with the National Park Service yourself in Utah?

Ms. VARELA. Yes.

Ms. HANABUSA. Am I interpreting what you were saying in your testimony correctly, Ms. Varela?

Ms. VARELA. The parks have been severely impacted by the lack of funding.

Ms. HANABUSA. And you are talking about the Federal funding, right?

Ms. VARELA. Correct.

Ms. HANABUSA. Do you agree that it is a loss to Utah that this outdoors major convention that has left now with \$50 million a year, is that a correct statement as to how much it is worth to Salt Lake City?

Ms. VARELA. The Outdoor Retailer Convention was a wonderful part of the tourism economy for many years. We talk about failures of policy being about failures to communicate, and I think that was a classic example where everybody tried really hard to communicate, but no one ever understood each other very well.

Ms. HANABUSA. Thank you. My time is up.

Ms. VARELA. And the reason that I am optimistic about this bill is that it is a step toward positive communication.

Mr. MCCLINTOCK. We will go to Mr. Stewart and you can continue that comment.

Mr. STEWART. Thank you. Did you have a chance to conclude your thought?

Ms. VARELA. I just wanted to say what a positive way I see this bill as restarting a conversation around the things that we agree on. There have been so many years and years of efforts to communicate. And when we look at it in the millions of acres category, everyone comes away fairly unsatisfied that their point of view has been heard or understood.

I think that the brilliance of what Congressman Stewart is advancing here is to say, let's take 100,000 precious acres that we all agree should be preserved and should be visited, and let's work together to figure out how we can make that a part of our National Park System.

Mr. STEWART. Thank you. Then, Chairman, again, I will be very brief. I know that we have been delayed here somewhat.

Two things I think we can hit very quickly, and I think, Commissioner Pollock, a good friend of mine, and a man that I greatly admire, you probably can best answer these questions. It has been described that some people would come to this park and feel disappointed. Do you agree with that expectation?

Mr. POLLOCK. Do you mean the proposed new national park?

Mr. STEWART. The proposed national park, yes. Do you think that landscape out there would disappoint people?

Mr. POLLOCK. Absolutely not. I think you are doing the right thing here. You are trying to give an area the infrastructure so people can actually visit it, they can't right now. I am sorry, the services are not there.

And it brings up a good point, as well. The emergency services, the county does that. We do that, so we have to go out and get these folks when there is no signage, back to the Hole-in-the-Rock Road, you can hardly get down that road. We are not allowed to maintain it. In a park setting, like Bryce Canyon, for example, this is the perfect solution to this problem. Yes.

Mr. STEWART. And having been to that area many times, I have never been disappointed in a visit there. It is spectacular scenery and it is something that is worthy of a national park, no doubt. Very quickly, and again, Commissioner, you are probably best to answer this. Does the monument at this point allow for hunting? It does, doesn't it?

Mr. POLLOCK. It does, yes, sir.

Mr. STEWART. So, this does not change that status at all. We would preserve those hunting rights within the park, and we have been able to manage any conflicts, whether it is a monument, we could certainly manage any conflicts between tourists and those who are hiking and people who are hunting as well, wouldn't you agree?

Mr. POLLOCK. I agree. That is correct.

Mr. STEWART. OK. Thank you. I will just conclude with this. Again, to my friend, Mr. McClintock, and to Chairman Bishop. Thank you for allowing us and considering this bill. We have tried to do something where you didn't have a winner and you didn't have a loser. We genuinely created a situation where both sides had something that they wanted and could claim as a victory, where we really did have a win-win and it protected families and communities, it protected the western culture.

Thank you for your support of this bill. And, Chairman, I yield back.

Mr. MCCLINTOCK. Thank you.

General Bergman. Oh, OK.

Governor Leavitt, let me just close with one final question on The Antiquities Act. You said we need to make changes in it, but The Antiquities Act seems to me to be fairly clear. The President has authority to designate national monuments on Federal lands that contain "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest." And it goes on to limit that, saying that it must be confined to the smallest area compatible with proper care and management of the objects to be protected. The seizure of 1.7 million acres hardly seems to fit that definition in The Antiquities Act.

Obviously, we have presidents who have given a different interpretation to it. And as Mr. Lowenthal pointed out, courts have given a different interpretation to it, but I don't know how much clearer we can make the language.

Mr. LEAVITT. The language is clear, to my reading. However, it seems insufficiently clear to the courts and to the executive branch to constrain it to good judgment. And, obviously, there would be need for more precision. I will leave that to you as to how that should be done. But the language as it stands is not producing a good policy outcome.

Mr. MCCLINTOCK. I wonder when the Constitution grants to Congress the sole prerogative over the management of the public lands for the Congress then to cede such authority to the executive, I think is questionable constitutionally. It is certainly contrary to the architecture of the Constitution, and invites the kind of abuse of power that brings us all here today to try to correct.

Mr. LEAVITT. Agreed.

Mr. MCCLINTOCK. That now concludes all of our questions.

Again, I want to thank all of you for joining us and for your time today.

If there is no further business to be brought before the Committee, the Subcommittee stands adjourned.

[Whereupon, at 12:03 p.m., the Subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE  
COMMITTEE'S OFFICIAL FILES]

**Rep. Grijalva Submissions**

- Letter to Chairmen Bishop and McClintock and Ranking Members Grijalva and Hanabusa from Southern Utah Wilderness Alliance, dated December 13, 2017.
- National Parks Conservation Association—Position for the House Natural Resources Subcommittee Hearing on December 14, 2017, dated December 13, 2017.
- Letter addressed to Chairmen Bishop and McClintock and Ranking Members Grijalva and Hanabusa from The Trust for Public Land, dated December 13, 2017.
- Letter addressed to Chairmen Bishop and McClintock and Ranking Members Grijalva and Hanabusa from community dated December 13, 2017.

**Rep. Hanabusa Submissions**

- State of Utah Exchange Patent No. 19232.
- H.R. 3910 Sec. 201 original map.
- Letters to Chairman Bishop and Ranking Member Grijalva from more than 734 in opposition of the monument designation.

